



# California Regulatory Notice Register

REGISTER 2008, NO. 38-Z

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SEPTEMBER 19, 2008

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODES

##### AMENDMENT

STATE AGENCY: NONE

MULTI-COUNTY: CENTRAL COAST ALLIANCE  
FOR HEALTH, ALSO KNOWN  
AS SANTA CRUZ-MON-  
TEREY MANAGED MEDICAL  
CARE COMMISSION

A written comment period has been established commencing on **September 19, 2008**, and closing on **November 3, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 3, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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### CONFLICT OF INTEREST CODES

#### AMENDMENT

STATE AGENCY: NONE

MULTI-COUNTY: LASSEN COMMUNITY COL-  
LEGE DISTRICT

A written comment period has been established commencing on **September 19, 2008**, and closing on **November 3, 2008**. Written comments should be directed to the Fair Political Practices Commission, Attention Sarah Olson, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 3, 2008**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

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Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

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Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

STATE OF CALIFORNIA  
**DEPARTMENT OF INSURANCE**  
45 Fremont Street, 24th Floor  
San Francisco, California 94105

**File No. REG-2008-00019      Date: September 8, 2008**

**NOTICE OF PROPOSED RULEMAKING**

**Proposed Adoption of Sections 2308.1,  
2308.2, and 2308.3  
Filing of Financial Statements**

**SUBJECT OF RULEMAKING**

Notice is hereby given that Insurance Commissioner Steve Poizner ("Commissioner") proposes to adopt California Code of Regulations Section 2308.1, 2308.2, and 2308.3 pertaining to financial statements of insurers required to be filed with the Commissioner.

**PUBLIC HEARING**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Government Code Section 11346.8(a). The request for a hearing must be received by the contact person designated below no later than 15 days prior to the close of the written comment period.

**CONTACT PERSONS**

Any questions regarding this notice should be directed to:

Cathleen S. Chapman, Staff Counsel  
California Department of Insurance  
45 Fremont Street, 24th Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4458  
Facsimile: (415) 904-5896  
[chapmanc@insurance.ca.gov](mailto:chapmanc@insurance.ca.gov)

The backup contact person for these inquiries is:

Susan J. Stapp, Assistant Chief Counsel  
California Department of Insurance  
45 Fremont Street, 24th Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4403  
Facsimile: (415) 904-5896  
[stapps@insurance.ca.gov](mailto:stapps@insurance.ca.gov)

**WRITTEN COMMENTS**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner via electronic or U.S. mail, personal delivery or facsimile. Comments shall be transmitted to Cathleen Chapman (see above contact information) by one method only.

The written comment period closes at **5:00 p.m. on November 4, 2008**. Any materials *received* after that time will not be considered.

**ADVOCACY OR WITNESS FEES**

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Subchapter 4.9 in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Capitol Mall, 17th Floor  
Sacramento, CA 95814  
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking shall also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

**AUTHORITY AND REFERENCE**

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code

Sections 733, 900, 903, 903.5, 923, 924, 931, and 934. Insurance Code Sections 733, 900, 923, 931, as well as *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805 and *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216, provide the authority for this rulemaking.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Insurance Code requires insurers to provide certain financial statements to the Commissioner and/or the National Association of Insurance Commissioners ("NAIC"), an organization composed of the chief insurance regulatory officials from all 50 states, the District of Columbia, and five U.S. territories. Existing law provides the Insurance Commissioner with the authority to prescribe "in the number, form, and by the methods" which insurers make and file such statements. Pursuant to this authority, the Commissioner proposes to adopt rules outlining the procedures for filing financial statements and related documents with the NAIC or the Commissioner.

For more than ten years, the NAIC has collected and stored financial data from insurance companies writing policies in California and across the United States. Currently, insurers must provide annual and quarterly financial data electronically to the NAIC via the organization's Web site or by submitting a diskette. The NAIC no longer accepts paper copies of insurance company financial statement filings.

The policy objectives of this rulemaking are the following: to transition insurers to electronic filings; to eliminate unnecessary and duplicative paper filings by insurers; and to improve the efficiency of the Department of Insurance.

### Section 2308.1 (Electronic Filing of Annual and Quarterly Statements)

Section 2308.1 is proposed to be added to set forth the procedures for all insurers to file annual and quarterly financial statements electronically with NAIC. The new section designates the NAIC to accept such filings on behalf of the Commissioner and provides that such statements are considered filed when received by the NAIC. It also requires foreign and alien insurers to provide the Commissioner with a paper original of a properly executed Jurat page from the related NAIC statement blanks as confirmation of each NAIC electronic filing, unless a paper original of such properly executed Jurat page is on file with its domestic regulator, and to file in paper directly with the Commissioner when any document required to be filed with the NAIC is not accepted by it.

### Section 2308.2 (Paper Filing of Domestic Insurers' Annual and Quarterly Statements)

Section 2308.2 is proposed to be added to require all domestic insurers to file annual and quarterly financial statements also in paper form directly with the Commissioner.

### Section 2308.3 (Paper and Electronic Filing of California Supplemental Financial Statements)

Section 2308.3 is proposed to be added to require all insurers to file California supplemental financial statements in paper and electronic form directly with the Commissioner.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*The Commissioner has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with California Government Code Sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: The Commissioner has made an initial determination that the adoption of the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals.

Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

*Small Business Determination:* The matters proposed herein will affect insurance companies and, therefore, will not affect small business. (California Government Code section 11342.610(b)(2).)

*Related Federal Law:* There are no federal regulations or statutes comparable to the proposed regulations.

### ALTERNATIVES

In accordance with California Government Code section 11346.5(a)(13), the Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed action at the scheduled hearing or during the written comment period.

### INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based as well as the express terms of the proposed action. Upon request, the proposed text and initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed amendment, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or ques-

tions regarding this proceeding should be directed to Cathleen Chapman, the contact person listed above.

### AVAILABILITY OF MODIFIED TEXT OF AMENDMENT

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony concerning the changes only, for a period of at least 15 days prior to adoption.

At least 45-days notice will be given if the changes are not sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

### FINAL STATEMENT OF REASONS

A final statement of reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to Cathleen Chapman, the final statement of reasons will be made available for inspection and copying once it has been prepared. A copy of the final statement of reasons will be posted on the Department's Web site.

### AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed action, will be sent automatically to all persons on the Commissioner's mailing list.

### WEB SITE POSTINGS

Documents concerning this proceeding are available on the Department's Web site, <http://www.insurance.ca.gov>. As of the date of this notice, the steps required to access these documents are as follows. In the "Quick Links" section, go to "Online Services" and select "Search for Proposed Regulations." When the "Search" screen appears, enter the Department's regulation file number for this proceeding in the "Search for" field. In the alternative, you may select "Browse All Regulations" and locate relevant documents by using the subject matter list.

**TITLE 10. MANAGED RISK MEDICAL  
INSURANCE BOARD**

**September 19, 2008**

**NOTICE OF PROPOSED RULEMAKING  
R-3-08**

**TITLE 10: CALIFORNIA CODE  
OF REGULATIONS  
CHAPTER 5.5 MAJOR RISK MEDICAL  
INSURANCE PROGRAM**

**AMEND SECTIONS 2698.100; 2698.200;  
2698.201; 2698.206; 2698.300; 2698.301;  
and 2698.302**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on November 3, 2008 at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Dianne Knox  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [dknox@mrrib.ca.gov](mailto:dknox@mrrib.ca.gov). Comments must be received by no later than 5:00 p.m. on November 3, 2008.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 12711 and 12712, Insurance Code Assembly Bill Number 1401 (Statutes 2002, chapter 794, Section 21). Reference Sections: 10900, 10127.15, 12705, 12711, 12712, 12718, 12725, 12726, 12728, 12729, 12730, and 12733, Insurance Code; 1373.62 Health and Safety Code; Sections 297, 299 and 299.2 Family Code. Amendment of Sections 2698.100; 2698.200; 2698.201; 2698.206; 2698.300; 2698.301; and 2698.302.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Insurance Code Section 12700, et seq., established the Major Risk Medical Insurance Program (MRMIP) in 1991, under the direction of the Managed Risk Medical Insurance Board (MRMIB). The MRMIP program provides access to health insurance for individuals who are denied coverage, or offered excessive premiums due to pre-existing medical conditions. MRMIP subscribers and dependent subscribers can select from several health insurers or health maintenance organizations that contract with the MRMIB.

The proposed regulations update existing regulation language to be in compliance with Family Code Section 297, AB 205, Domestic Partnership Rights and Responsibilities Act of 2003 and the Knox-Keene Act.

The Domestic Partnership Rights and Responsibilities Act of 2003, came in to effect on January 1, 2005 and provides that all registered domestic partners in the State of California be entitled to the same rights, protections, benefits, and responsibilities as traditional married couples.

In addition, the Family Code Section 297.5(d) specifies that the rights and obligations of registered domestic partners with respect to a child of either of them shall be the same as those of spouses. Therefore, a registered domestic partner's qualified dependent child must be treated the same as a dependent step-child.

MRMIP regulations do not currently identify registered domestic partners or a registered domestic partner's child as dependents and persons being eligible for dependent coverage. The purpose for these changes in regulations is to be in compliance with the Act which requires that all registered domestic partners in the State of California be entitled to the same rights, protections, benefits, and responsibilities as spouses.

The Board establishes eligibility standards and benefit levels in MRMIP. The proposed regulations clarify the Board's authority to determine and authorize subscriber deductibles. On September 19, 2007, the Board approved regulation changes to establish a deductible in

the MRMIP and to exclude preventive care services, as defined in the Knox–Keene Act, from the deductible.

Knox–Keene Act Section 1367.35(b), defines comprehensive preventive care to children as being “consistent with both of the following: (A) The Recommendations for Preventive Pediatric Health Care, as adopted by the American Academy of Pediatrics in September of 1987 and (B) The most current version of the Recommended Childhood Immunization Schedule/United States, jointly adopted by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices, and the American Academy of Family Physicians. . .” and must provide for immunizations (Section 1367.35(b)(2)(B).)

Section 1300.67 of Title 28 of the California Code of Regulations sets forth the basic health care services required to be provided by a health care service plan to its enrollees (adults and children where specified). These services include preventive health services, reasonable health appraisal examinations on a periodic basis, and immunizations for children in accordance with the recommendations of the American Academy of Pediatrics and immunizations for adults as recommended by the Centers for Disease Control and the Advisory Committee on Immunization Practices (ACIP) which recommends coverage for travel immunizations.

MRMIP regulations, Article 3, Section 2698.301(a), states the minimum scope of benefits must comply with all requirements of the Knox–Keene Health Care Service Plan Act of 1975.

MRMIP regulations Section 2698.301(a)(2)(F) establishes benefits for comprehensive preventive care of children through age 16, including periodic health evaluations, immunizations and laboratory services in connection with periodic health evaluations.

The amendments to Section 2698.301(a)(2)(F) are necessary to clarify that preventive care of children includes preventive care for 17 and 18 year old children as recommended by the American Academy of Pediatrics.

In addition, the amendments to Section 2698.301(a)(2)(F) are necessary to clearly define the services that are considered to be comprehensive preventive care for children and adults. Comprehensive preventive care services for adults and children are different; therefore, separation of the services is needed for clarity.

The proposed regulations also clarify the Board’s authority to determine and authorize subscriber deductibles, remove confusing language on preventive services and clarify language regarding covered immunizations for adults and subscriber children.

There are no comparable provisions of federal law related to this proposal.

## LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

## FISCAL IMPACT ESTIMATES

This proposal does not impose a mandate on local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500 of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

## COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

## BUSINESS IMPACT/SMALL BUSINESS

The MRMIB has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by Section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal only clarifies requirements of the Domestic Partners Rights and Responsibilities Act of 2003 and the Knox–Keene Act which are currently existing covered benefits. It has no impact at all on an entity that is not a state agency as defined in section 11000 of the California Government Code.

## ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The MRMIB has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

## COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The MRMIB is not aware of any cost impacts that a representative private person or business would neces-

sarily incur in reasonable compliance with the proposed action.

#### EFFECT ON HOUSING COSTS

None .

#### ALTERNATIVES

The MRMIB must determine that no reasonable alternative considered by the agency, or that has been otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Dianne Knox  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324-0592

or

Randi Turner  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 327-8243

#### INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named above.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named above.

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

### **TITLE 12. DEPARTMENT OF VETERANS AFFAIRS**

#### **NOTICE OF PROPOSED RULEMAKING TITLE 12, CALIFORNIA CODE OF REGULATIONS, CHAPTER 4, SUBCHAPTER 1, AMEND SECTION 503 REGARDING DEFINITIONS OF LEVELS OF CARE; CALIFORNIA VETERANS HOME**

#### NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CDVA) is proposing to take the action described in the Informative Digest.

#### NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person, or his or her duly authorized representative, may request a public hearing no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

NOTICE IS ALSO GIVEN that any interested person, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to:

The California Department of Veterans Affairs  
Office of the Chief Counsel  
1227 O Street, Suite 306  
Sacramento, California 95814  
Attention: John Ruocco

Comments may also be submitted by facsimile to (916) 653-2454 or by e-mail to: [john.ruocco@cdva.ca.gov](mailto:john.ruocco@cdva.ca.gov). Comments must be submitted prior to 5:00 p.m. on November 3, 2008.

Following the comment period, the CDVA may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Sections 700, 1012 and 1044 of the California Military and Veterans Code authorize the CDVA to adopt this proposed regulatory amendment. The proposed amendment implements, interprets, and makes specific section 1044 of the California Military and Veterans Code. The CDVA is considering changes to Division 2 of Title 12, Chapter 4, Subchapter 1 of the California Code of Regulations as follows: Amendment of section 503.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDVA operates and maintains the Veterans Homes of California with veterans homes currently providing care to eligible veterans and their spouses in Yountville, Chula Vista and Barstow, California. (Military and Veterans Code sections 1011 et seq.) These veterans homes provide different levels of care ranging from domiciliary care, where a resident is able to take care of his or her own daily activities, to skilled nursing care, where a resident requires 24/7 licensed care.

Existing law provides that the Home Administrators, in accordance with the policies adopted by the California Veterans Board and subject to the direction of the director, may adopt rules and regulations governing the admission of applicants to the home. (Military and Veterans Code section 1044.) Existing regulations place limitations upon Home Administrators directly admitting outside applicants to higher levels of care at the veterans homes. (Title 12, California Code of Regulations section 503.)

The proposed amendment deletes limitations on the admission of outside applicants in order to return flexibility to Home Administrators to maintain the census

while conserving space for residents at the existing homes and to populate and maintain the census at the new veterans homes which will be opening in West Los Angeles, Lancaster, Saticoy, Fresno and Redding, California beginning 2009.

In addition, in subdivision (a), the original reference to the California Department of Health Services will be changed to the California Department of Public Health to reflect a change in that agency's name, and references to services at various homes have been stricken as they may no longer be accurate or are superfluous. The latter changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

There are no comparable provisions of federal law related to this proposal.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary costs or savings on local agencies. This proposal does not result in any costs or savings in federal funding to the state.

#### COSTS OR SAVINGS TO STATE AGENCIES

This proposal does not result in any costs or savings to state agencies.

#### BUSINESS IMPACT/SMALL BUSINESSES

Pursuant to section 11346.3, subd. (b) of the California Government Code, the CDVA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The determination that the proposal would not affect small business is based upon the fact that the proposal's primary purpose is to remove restraints upon admission to Residential Care (Licensed) and Skilled Nursing Care for applicants currently residing outside of the Home. It has no

discernable impact at all on any entity that is not a state agency as defined in section 11000 of the California Government Code.

#### **ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES**

Pursuant to section 11346.3, subd. (b), of the California Government Code, the CDVA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The CDVA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **EFFECT ON HOUSING COSTS**

None.

#### **ALTERNATIVES CONSIDERED**

The CDVA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing if one is held.

#### **CONTACT PERSONS**

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to: Chief Counsel Robert Wilson, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 654-7022 or Senior Staff Counsel John Ruocco, California Department of Veterans Affairs, 1227 O Street, Suite 306, Sacramento, CA 95814; (916) 653-1394.

#### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The CDVA has prepared an initial statement of the reasons for the proposed action and has available all of the information upon which the proposal is based.

#### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the California Department of Veterans Affairs at 1227 O Street, Suite 306, Sacramento, CA 95814. These documents may also be viewed and downloaded from the CDVA website at [www.cdva.ca.gov](http://www.cdva.ca.gov).

#### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact persons named above.

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the CDVA may adopt the proposed regulation substantially as described in this notice. If the CDVA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CDVA adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Chief Counsel Robert Wilson at the address indicated above. The CDVA will accept comments on the modified regulations for 15 days after the date on which they are made available.

#### **WEBSITE ACCESS**

Materials regarding this proposal can be found at <http://www.cdva.ca.gov>.

## TITLE 13. CALIFORNIA HIGHWAY PATROL

### NOTICE OF PROPOSED REGULATORY ACTION

AMEND TITLE 13, CALIFORNIA CODE OF REGULATIONS  
DIVISION 2, CHAPTER 6, ARTICLE 3, SECTIONS 1160.3  
AND 1160.4 AND ADOPT ARTICLE 3,  
NEW SECTION 1160.5

### HAZARDOUS MATERIALS GENERAL HAZARDOUS MATERIALS REGULATIONS (CHP-R-08-02)

California Vehicle Code (VC) Section 2402 authorizes the Commissioner of the California Highway Patrol (CHP) to make and enforce regulations as necessary to carry out the duties of the CHP. Section 2402.7 VC specifically requires the Commissioner to adopt definitions designated by the United States Department of Transportation relating to hazardous materials, substances, or wastes. Sections 32000.5, 32002, 34501, and 34501.5 VC allow the CHP to adopt reasonable rules and regulations which are designed to promote the safe operation of vehicles described in Section 34500 VC, including but not limited to those transporting hazardous materials (HM). The adopted regulations are contained in Title 13, California Code of Regulations (13 CCR).

Pursuant to Division 14.1 (commencing with Section 32000) of the VC, the CHP is authorized to inspect and license the motor carriers with special attention directed to the negligent operators or repeat violators. Additionally, the CHP provides additional protection through the licensing of motor carriers transporting HM. This rulemaking adopts changes which clarify HM licensing requirements; prohibits the Department from licensing a motor carrier for transportation of HM unless the motor carrier has submitted the required fees and a fully and accurately completed application for participation in the Biennial Inspection of Terminals (BIT) program pursuant to Section 34501.12 VC; contains non-substantive changes to regulatory language in order to lend further clarity to existing rules; and is promulgated pursuant to mandates as a result of Assembly Bill 1612, Chapter 415, statutes of 2007, and changes to Section 32000.5, VC.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CHP proposes to amend Title 13, California Code of Regulations, Division 2, Chapter 6, Article 3, Sections 1160.3 and 1160.4, and adopt new Section 1160.5, pursuant to Sections 32000.5 and 34501 VC.

The CHP proposes to specifically address the hazardous materials (HM) licensing and application process. The CHP is charged with regulation and licensing of motor carriers transporting HM who operate on California highways. Every motor carrier who directs the transportation of an explosive and any motor carrier who directs the transportation of HM, who is required to display placards, and every motor carrier who transports for a fee in excess of 500 pounds of HM of the type requiring placards, shall be licensed. The purpose for licensing HM transporting carriers is to establish a system of electronic or hard-copy records in order to properly and correctly identify and track those carriers. The purpose for identifying and tracking the carriers is to implement the mandates contained in Sections 2402.7, 34501, and 32000.5 VC.

The adoption of these regulations is necessary to ensure the CHP maintains true and accurate records, to outline and clarify different types of HM transportation licenses issued by the Department, to ensure the safe operation of vehicles and transportation of HM by carriers, and to provide the Department enhanced capacity to ensure compliance with applicable requirements.

Additionally, changes to Section 32000.5 VC, as a result of Assembly Bill 1612, Chapter 415, statutes of 2007, prohibit the CHP from issuing a license to transport HM to any motor carrier unless each terminal from which HM carrying vehicles are operated is in compliance with the requirements of Section 34501.12 (Biennial Inspection of Terminals — BIT) and is currently rated satisfactory. Adoption of these regulations is necessary to provide clarification of the applicability of these requirements and to implement the legislative intent.

### PUBLIC COMMENTS

Any interested person may submit written comments on these proposed actions via facsimile to (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
ATTN: Mr. Cullen Sisskind  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments must be received no later than 4:45 p.m., November 3, 2008.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

### AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, CVS, at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

### CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Cullen Sisskind, or Mr. Greg Bragg, CHP, CVS, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Sisskind or Mr. Bragg.

### ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

### FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or fed-

eral funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, the regulated community is encouraged to respond during the public comment period of this regulatory process if significant impacts are identified.

### EFFECT ON SMALL BUSINESSES

The CHP has not identified any significant impact on small business. This does not represent an additional mandate on motor carriers, but simply provides a clarification of HM licensing requirements. This is not to say a motor carrier who chooses to operate under the provisions of this regulatory process will not incur certain administrative costs; the fact is a motor carrier who elects to use these provisions, would voluntarily subject themselves to the administrative costs associated with certain document preparation and BIT program compliance required by this rulemaking. However, a carrier currently transporting HM in compliance with all applicable statutes and regulations, including but not limited to licensing and BIT program requirements, will be completely unaffected by this proposal. Should the motor carrier industry identify any costs not identified by this rulemaking, the CHP encourages input on this matter through the comment process.

### ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## AUTHORITY

This regulatory action is being taken pursuant to Vehicle Code Sections 2402.7, 32000.5, and 34501.

## REFERENCE

This action implements, interprets, or makes specific Vehicle Code Section 32000.5.

## TITLE 14. FISH AND GAME COMMISSION

### Notice of Proposed Changes in Regulations

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 1050, 1907, 5503, 15001, 15300, 15500, 15510 and 15504, of the Fish and Game Code and to implement, interpret or make specific sections 2000, 2052, 2273, 5503, 8430, 8433, 8435, 8436, 8460, 15004, 15500, 15504, 15505, 15508, 15509 and 15510 of said Code, proposes to repeal Section 241 and amend Sections 243 and 245, Title 14, California Code of Regulations, relating to Aquaculture Disease Control Regulations (Sections 241 and 245) and Take of Wild Broodstock for Aquaculture Purposes (Section 243).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW FOR SECTIONS 241 AND 245

The Aquaculture Disease Control Regulations have not been updated in over 20 years, except for some relatively small additions of a few shellfish diseases. New scientific information regarding the threat that certain diseases and pathogens may pose to cultured and/or wild aquatic animals needs to be reflected in the Title 14, California Code of Regulations (CCR). The Department's fish pathology staffing has been inadequate to address this issue until the recent staff additions mandated by Fish and Game Code Section 13007 and supported by the Hatchery Inland Fisheries Fund (HIFF) augmentation.

This Department proposal will repeal outdated regulations, update the diseases listings, and restructure the disease categories to reflect recent advances in fish pathology knowledge. These changes are supported by the Aquaculture Disease Committee, and the proposed revisions from current regulations are as follows:

Section 241, Title 14, CCR, prohibits the importation of salmonids produced in Idaho. It is proposed to be repealed since it is outdated and no longer applicable due

to tighter disease controls in Idaho and California aquaculture disease control regulations in Title 14.

Section 245, Title 14, CCR, contains the aquaculture disease control regulations. The proposed revisions by individual subsections are outlined in the following paragraphs.

#### **General Conditions, subsection 245(a)**

The phrase "disease" was expanded to include both disease and pathogen to clarify the regulations.

Additional language was added to increase compliance and reduce public confusion with Department inspections of importations into the state for diseases and pathogens.

#### **Definitions, subsection 245(b)**

The definition of fish pathologist is proposed to be revised to replace virologist with veterinarian to reflect current Department staffing and include a government fish health specialist approved by the Department to clarify the regulations.

Three definitions for Disease, Pathogen, and Infection are proposed to be added to subsection 245(b) to clarify the regulations.

#### **Disease Categories, subsection 245(c)**

The phrase "disease" was expanded to include both disease and pathogen to clarify the regulations.

The categories of viruses, bacteria, parasites, fungi, and dinoflagellate algae were added to the listing of biological agents and the lists will be organized alphabetically to clarify the regulations and reduce public confusion.

The proposed revisions to each disease/pathogen list are discussed in the following paragraphs:

#### **Significant Diseases/Pathogens List, subsection 245(c)(1)**

##### **A) Proposed Deletions**

##### **GOLDEN SHINER VIRUS (GSV)**

**Brief description:** Aquareoviruses are typically associated with subclinical infections. They are often isolated from apparently healthy fish during routine virus screening or from fish concomitantly infected with other microbial pathogens. GSV, also known as grass carp reovirus (GCRV) and grass carp hemorrhage virus, is one of the few aquareoviruses suspected to act as a primary pathogen. The isolates from cyprinid fish, GSV/GCRV, are most often reported in association with fish kills. GSV is an aquareovirus isolated from moribund 14–16 month old cultured golden shiners, *Notemigonus crysoleucus*, in the southern U.S. during the summer of 1977. Water temperatures range between 24–30°C during this time. This virus was associated with mortality and lesions that included petechial hemorrhages in the dorsal muscle, cornea abdominal flanks, visceral fat and intestinal mucosa. Mortality is usually about 5% but under crowded conditions at high temper-

atures, acute mortalities of 50–75% have been observed. The virus was called GSV, but later work showed that it was phylogenetically similar to GCRV, the pathogen responsible for an acute hemorrhagic disease in grass carp, *Ctenopharyngodon idella*, in the USA and in China.

Describe why the change is warranted: GSV has been present in golden shiners and grass carp in California since at least 1989. According to Dr. Andy Goodwin of the Aquaculture/Fisheries Center at the University of Arkansas, Pine Bluff, GSV has been in California for at least 25 years. We have no documented impact on any California fish populations due to the presence of this virus.

Additional information: No literature was found that discussed the economic impacts associated with disease outbreaks or management processes. This is likely due to the limited occurrences of pathology and epizootics associated with this virus.

## B) Proposed Name Revisions

### OYSTER DISEASE (MSX) *Haplosporidium nelsoni*

Brief description: The causative pathogen has been renamed in the scientific literature from *Minchinia nelsoni* to *Haplosporidium nelsoni*.

Why the change is warranted: This change provides consistency with the latest scientific information.

### OYSTER PERKINSOSIS

Brief description: The causative pathogen has been reclassified in the scientific literature from *Labyrinthomyxa marina* to *Perkinsus marinus*. In addition, the name was also changed from Oyster Fungus Disease to Oyster Perkinsosis.

Why the change is warranted: This change provides consistency with the latest scientific information.

### SABELLID POLYCHAETE FAN WORM

Brief description: The genus and species have been described in the scientific literature as *Terebrasabella heterouncinata*, and the term “South African” was dropped from the disease description.

Why the change is warranted: This change provides consistency with the latest scientific information.

### VIBRIOSIS *Vibrio* spp.

Brief description: *Vibrio* spp. are endemic in saltwater environments. They can cause disease with the right combination of susceptible host and poor environment. However, *Vibrio* spp. pathogenic to fish in freshwater are much less common. *Vibrio* infections in fish in freshwater have been shown to cause disease in rainbow trout, eels and ayu. Mortalities due to vibriosis in rainbow trout can reach 50%.

Why the change is warranted: There is little risk due to the introduction of saltwater *Vibrio* spp. into California. However introduction of freshwater *Vibrio* spp.

could have serious impacts on the health of freshwater fish in the state.

## C) Proposed Additions

### WHITE STURGEON IRIDIOVIRUS (WSIV)

Brief description: WSIV is a lethal viral pathogen of juvenile white sturgeon, *Acipenser transmontanus*. The virus has been isolated in farm-reared white sturgeon in the Pacific Northwest of North America, California, and Canada. Currently, there is no treatment for WSIV.

Why the change is warranted: The addition of WSIV to the significant diseases/pathogens list is warranted due to the following: 1) no treatment for WSIV; 2) distribution and prevalence of WSIV in wild fish remains unclear; 3) WSIV outbreaks in farm-reared fish will cause significant financial harm; 4) diagnostic methods, such as histologic detection, may produce false negatives, and thus limit detection capabilities.

Additional information: The lack of adequate treatments for WSIV has resulted in high mortality and massive economic losses to commercial aquaculture and considerable harm to conservation aquaculture of endangered species. In addition, WSIV poses a significant risk to wild sturgeon since the viruses may be passed by vertical transmission to progeny.

### Serious Diseases List, subsection 245(c)(2)

## A) Proposed Deletions

### INFECTIOUS HEMATOPOIETIC NECROSIS VIRUS (IHNV)

is proposed to move to the Catastrophic Diseases list, subsection 245(c)(3). See subsection 245(c)(3) discussion for more details.

## B) Proposed Name Revisions

### BONAMIASIS OF OYSTERS *Bonamia* spp.

Brief description: This is a new name for “Microcell disease of oysters”. There are at least three species of *Bonamia* that cause very similar diseases in oysters. A listing of the entire genus is appropriate at this time.

Why the change is warranted: This change provides consistency with the latest scientific information.

### MICROSPORIASIS *Pleistophora ovariae*

Brief description: The official name of disease has been changed to Microsporiasis.

Why the change is warranted: This change provides consistency with the latest scientific information.

### PROLIFERATIVE KIDNEY DISEASE (PKD)

Brief description: The scientific name of the causative pathogen has been identified and described in the scientific literature as *Tetracapsuloides bryosalmonae*.

Why the change is warranted: This change provides consistency with the latest scientific information.

### SEASIDE DISEASE *Haplosporidium costale*

Brief description: The scientific name of the causative pathogen has been renamed in the scientific literature from *Minchinia costalis* to *Haplosporidium cos-*

*tale*. In addition, the name was also changed from SSO to Seaside Disease.

Why the change is warranted: This change provides consistency with the latest scientific information.

### C) Proposed Additions

#### KOI HERPES VIRUS (KHV)

Brief description: KHV is a highly contagious herpesvirus and causative agent of mass mortality (often 80 to 100%) in koi (*Cyprinus carpio koi*) and common carp (*Cyprinus carpio carpio*). Koi are very popular and valuable hobby fish and common carp are the most widely cultivated food fish in the world (mainly Europe and Asia). Disease episodes occur primarily in cultured stocks but are also reported in wild populations. Outbreaks generally occur between 18 and 26°C (64–78°F). Reportedly little mortality occurs below 18°C and there are no reports of the disease occurring above 30°C. The virus is closely related to carp pox virus (Cyprinid herpesvirus 1, CHV-1) and to hematopoietic necrosis herpesvirus of goldfish (Cyprinid herpesvirus 2, CHV-2), and more distantly related to channel catfish virus (Ictalurid herpesvirus 1, IcHV-1). KHV should not be confused with Spring Viremia of Carp Virus (SVCV) which is a Rhabdovirus that often occurs at much lower water temperatures. Infected fish often die soon after exposure (in one study 82% of exposed fish died within 15 days) and deaths can begin 1 to 2 days after onset of clinical sign. Virus causes many different clinical signs of disease including severely swollen and necrotic gill filaments, excessive mucus production, enophthalmos, enlarged spleen and kidney, mottled appearance of internal organs, external hemorrhaging, and abdominal adhesions. Koi herpesvirus was listed as a reportable pathogen by the International Office of Epizootics (OIE) in May of 2007. Polymerase chain reaction (PCR) of gill and brain tissue is the preferred method of detecting KHV, though serum neutralization is an option as a non-lethal test.

Why the change is warranted: It is warranted to limit the economic and ecological effects of this disease upon the State of California.

Additional information: Reports suggest that Israeli aquaculturists have lost an estimated \$3 million every year since 1998 due to KHV, Indonesian fish industries have lost a total of \$5.5 million since the first significant outbreaks in 2002, and common carp losses due to KHV in 2 lakes in Japan were valued at \$2.55 million.

#### LARGEMOUTH BASS VIRUS (LMBV)

Brief description: LMBV is a lethal virus of largemouth bass, *Micropterus salmoides*, specifically causing mortality in the largest (“trophy”) largemouth bass in wild populations. The first reported fish kill attributed to LMBV was in 1995 and occurred in Santee-Cooper Reservoir in North Carolina and killed approxi-

mately 1,000 trophy fish. This was the first report of a systemic virus in wild centrarchids. Since then, LMBV has been reported 19 states in the Southeastern and Midwestern United States. The virus has been found in clinical and sub clinical largemouth bass, in other species of sunfish, and in both wild and hatchery populations. Largemouth bass virus was first isolated from a lake in Florida in 1991, was determined to be the cause of a fish kill in North Carolina in 1995, but was not further described until 2000. Mortality in fish kills attributed to LMBV is usually less than 10%, but always includes the largest fish of a population. Clinical signs of infected fish include darkened pigmentation, distended abdomen, spiral swimming, bloated swim bladders, inability to remain upright and general listlessness. Internally, livers are pale, spleens are bright red and intestinal ceca are reddened (hemorrhaging). The virus seems to target and cause most damage in swim bladders where often thick yellow or brown exudates can be seen. Infected fish often show no sign of disease but will test positive with polymerase chain reaction (PCR). Stressful conditions lead to LMBV disease episodes and may include warm temperatures (above 90°F), crowding, handling (even by anglers), and co-infection with other pathogens.

Why the change is warranted: It is warranted to avoid economic and ecological effects this virus can have on California aquaculture and sport-fishing industries. Largemouth bass is the Nation’s most popular game fish and is also a species reared in California aquaculture.

Additional information: More largemouth bass have been killed annually by LMBV than by any other pathogen or environmental condition. The rapid spread of this virus through Southeastern and Midwestern U.S. states suggests that LMBV can readily be spread to California and affect wild and/or commercial populations. Outbreaks of LMBV could result in lost revenue to industries and rural communities that rely on sport fishing. Some scientists believe that the virus will only result in minor and sporadic fish kills.

### Catastrophic Diseases List, subsection 245(c)(3)

#### A) Proposed Additions

##### INFECTIOUS SALMON ANEMIA (ISAV)

Brief description: ISAV is an economically important virus causing high mortality in Atlantic salmon (*Salmo salar*) farms, though also reported in wild fish populations and other salmonid species. The virus can infect both young and adult fish. Although originally found in Norway, ISAV has now spread to other parts of Europe, Chile, eastern Canada and Maine. ISAV has not been reported in fish from the Pacific Northwest. The virus targets the vascular and hematopoietic tissues of fish resulting in severe anemia. Infectious salmon anemia was approved for emergency status by the U.S.D.A. in 2001,

the first time an aquatic animal disease has been elevated to that level. First reported in Norway in 1984, ISAV has been spread to Scotland, New Brunswick and Nova Scotia, Canada, the United Kingdom, Chile, the Faroe Islands (Denmark), and the Cobscook Bay in Maine, U.S.A. Losses can be as high as 3% per day. Infected fish show clinical signs of ISAV 2 to 4 weeks after being exposed to the virus; specifically, pale gills, external hemorrhaging, ascites, exophthalmia, liver congestion, splenomegally, petechiation in visceral fat and general anemia. ISAV occurs primarily in Atlantic salmon farms but is also reported in wild Atlantic salmon in Canada. ISAV can infect herring (*Clupea* spp.), fresh and salt water brown trout (*Salmo trutta*), and rainbow trout (*Oncorhynchus mykiss*), but does not produce disease in these fish. In clinically infected fish, active virus particles can be isolated from mid- and anterior kidney, liver, spleen, intestine, gills, and skeletal and heart muscle tissues. Maximum replication of the virus occurs at 15°C (59°F), with no replication occurring at or above 25°C (77°F). Cell culture is the most accepted method of detection but Reverse Transcriptase — Polymerase Chain Reaction (RT-PCR) and monoclonal antibody assays are available and accurate.

**Why the change is warranted:** It is warranted to limit the effects that this virus disease can have on the California Aquaculture industry and wild salmon and trout populations.

**Additional information:** ISAV is reported to cause significant economic losses in affected areas. In 1999 alone, Atlantic salmon farms in Norway lost approximately \$11 million (U.S. dollars), Canadian farms lost approximately \$14 million, and farms in Scotland lost an estimated \$32 million. While there are no Atlantic salmon farms in California, ISAV is an Orthomyxovirus, closely related to influenza, suggesting it can mutate very rapidly. Furthermore, ISAV can already infect rainbow trout (*Oncorhynchus mykiss*), also suggesting potential to mutate and infect other Pacific salmon and trout species found in California.

#### ABALONE HERPESVIRUS

**Brief description:** A herpes(-like) virus has been associated with mass mortality of abalone in Taiwan and Australia.

**Known distribution:** In December 2005, epidemic mortalities began to occur in farmed and wild abalone in Victoria, Australia (*Haliotis rubra* and *H. laevis*). Dead and dying abalone were first observed at one culture facility following the acquisition of wild native broodstock from a distant location within Australia. This was followed by an outbreak at a separate facility that received animals from the first, followed by (apparently increased) mortalities in wild animals in waters adjacent to the second facility and additional spread

throughout wild and cultured populations. Infected abalone were found to harbor nervous tissue lesions (ganglioneuritis) similar to those described in abalone from Taiwan.

**Why the change is warranted:** Strong action to prevent introduction of this virus or set of viruses to California is warranted based on the potential susceptibility of California abalone species. If a single virus is involved, a relatively broad host range of at least three species of abalone on two continents is indicated.

**Additional information:** The herpesvirus was recently listed by the OIE as “Abalone Viral Mortality”. The current OIE Diagnostic Manual indicates that the chapter on this virus is in preparation.

#### MARTEILIOIDES CHUNG MUENSIS

**Brief description:** *Marteilioides chungmuensis* is a protozoan parasite that infects the cytoplasm of oocytes, causing large, tumor-like nodules resulting in loss of marketability. Prevalences higher than 40% have been reported in certain locations and seasons in both Korea and Japan. The parasite appears to invade maturing oocytes and growth is highly correlated to maturation of the host cells.

**Why the change is warranted:** The Pacific oyster, *Crassostrea gigas*, is highly susceptible to this pathogen. *C. gigas* forms the basis of the California oyster culture industry and introduction of this pathogen could result in severe economic consequences.

**Additional information:** *Marteilioides chungmuensis* is a “Class A” shellfish disease in Washington state, a list which includes “diseases which are known to cause significant mortalities in shellfish populations, are reportable to the OIE and/or are of significant management concern (i.e. affecting trade and commerce)”. In Canada it is listed as a Category 1 disease, defined as: “Agents of infectious diseases which have not been detected in Canada, but the shellfish host species of which are found in Canada. Because these diseases can have serious impact on shellfish stocks, the disease agents responsible must be kept out of Canada.” *Marteilioides chungmuensis* is not currently reportable to the OIE but adding it to the OIE list is the current primary objective of the OIE Mollusk Technical Work Group.

#### SALMON RICKETTSIOSIS *Piscirickettsia salmonis*

**Brief description:** Salmon Rickettsiosis is a small Gram-negative intracellular bacteria which causes significant disease in various finfish in a number of countries around the world. It was first isolated from farmed coho salmon in Chile in 1990 using Chinook salmon embryo cell culture. North America’s first diagnosed case of salmonid rickettsiosis was reported in 1992 in eastern Canada. In 1998 and 2005, epizootics in juvenile white seabass from Hubbs Seaworld in southern California were attributed to the bacterium, later con-

firmed by DNA analysis to be *P. salmonis*. The disease is characterized by granulomatous lesions in the spleen, kidney, intestines, heart, and gills, with the most severe lesions usually occurring in the liver.

Why the change is warranted: A 2005 DFG report by pathologist Mark Okihiro summarized a disease survey, conducted between 2002 and 2005, of 94 white seabass livers tested for *P. salmonis* by PCR. There were no positives, leading him to conclude that this is an exotic disease limited to hatchery reared fish in southern California, and infected fish should be destroyed to prevent transmission to wild stocks, including commercially valuable and, in some cases, listed, salmon stocks. Cumulative mortality in experimentally infected salmonids has been observed to be 90% or more. The disease is difficult to impossible to treat, and no vaccines are available.

Additional information: In 1994, rickettsial infections were reported to have caused \$50 million in losses to the Chilean salmon industry, with losses approaching 90%. Isolates from subsequent outbreaks in other countries have not been as virulent. Experimental infections of coho with isolates originating from three different regions (Chile, British Columbia, Norway) produced mortality rates of 91, 76, and 41% respectively for similar inoculum concentrations. In another instance, an isolate obtained from hatchery-reared white seabass from southern California was injected into Atlantic salmon, Chinook salmon, and rainbow trout. Mortality rates were 100%, 62%, and 22.5%, respectively. Disease management has been limited to improving husbandry practices, or, in some cases, destruction.

**INFECTIOUS HEMATOPOIETIC NECROSIS VIRUS (IHNV)** is proposed to move from the Serious Diseases list, subsection 245(c)(2).

Brief description: IHNV is an economically important virus which may cause high mortality in salmonid species. When an outbreak occurs at a fish rearing facility, there is typically high mortality in fish less than six months of age with survivors possibly becoming life-long virus carriers. The virus can infect both young and adult fish. IHNV is a negative sense single-stranded RNA virus that is a member of the Rhabdoviridae family. IHNV is commonly found in anadromous salmonids on the Pacific Coast of Canada and the USA, and has also been found in Europe and Japan. IHNV is transmitted following shedding of the virus in the feces, urine, sexual fluids, and external mucus, and from parent to progeny through the sexual fluids.

Why the change is warranted: With the exception of Lake Oroville, IHNV is not known to exist in inland waters of the State of California. IHNV has the potential to cause high mortality and have adverse effects on wild and domestic trout populations.

Additional information: If an aquaculture facility within the State of California were known to contain fish infected with IHNV, The Department would not allow any fish from that facility to be distributed to inland waters. IHNV has the potential to cause high mortality and have adverse effects on wild and domestic trout populations. From August 2001 to June 2003, outbreaks of IHNV occurred in 36 aquaculture operations in British Columbia. Over 12 million Atlantic salmon on infected farms died or were culled during the epidemic with cumulative mortality on the farms averaging 58%.

**SPRING VIREMIA OF CARP VIRUS (SVCV)** is proposed to move from the Q Diseases list, subsection 245(c)(4).

Brief description: SVCV, *Rhabdovirus carpio*, is a rhabdovirus responsible for high mortalities primarily in cultured common carp, but it is able to produce disease in many cyprinid species. It is one of only 11 Office International des Epizootics (OIE) notifiable fish pathogens as of 2003. The virus causes disease at cool temperatures (15–20°C), which may be one reason the majority of U.S. cyprinid fish production, which takes place in the warm south, has escaped disease outbreaks and the establishment of the virus. Reports of SVCV outbreaks in wild fish are few, but have increased in recent years. Disease signs are mainly non-specific and include uncoordinated swimming, exophthalmia, ascites and petechial hemorrhaging of gills and skin.

Describe why the change is warranted: SVCV can cause high mortality in both common carp and ornamental koi, and a number of cyprinid and other species can also become infected. Many species have the potential to be carriers and the extent of potential impacts to aquaculture, private ponds, and wild fish are unknown. The epizootic in Cedar Lake, Wisconsin in 2002 killed approximately 1,500 carp, or 20% of the population. No vaccine is currently available. It has been suggested that outbreaks of SVCV in mature fish can be prevented or halted by raising water temperatures to above 20°C (68°F), however, results of such manipulations have not been well documented, and depopulation is recommended due to the severity of the disease.

Additional information: The disease outbreak in common carp from Cedar Lake, Wisconsin, killed an estimated 10 tons of fish. Morbidity and mortality rates vary with stress factors and population density, species, age, water temperature, and condition of fish. Mortality rates up to 70% have been reported in young carp during epizootics, and experimentally infected fish mortality rates can reach 90%. Losses in older fish during a season are usually 30%. It is a systemic, acute and highly contagious disease. SVCV was confirmed in ornamental koi carp in Pike County, Missouri on July 13, 2004.

The outbreak occurred after introduction of koi in June 2004. Mortality of approximately 70 percent of 500 fish occurred in the two weeks following shipment.

**B) Proposed Name Revisions**

**INFECTIOUS PANCREATIC NECROSIS VIRUS (IPNV)**

Brief description: Virus is proposed to be added to the name to help identify it as a virus.

Why the change is warranted: This change provides consistency with the latest scientific information.

**CHANNEL CATFISH VIRUS (CCV).**

Brief description: Disease is proposed to be removed from to help identify it as a virus.

Why the change is warranted: This change provides consistency with the latest scientific information.

**VIRAL HEMORRHAGIC SEPTICEMIA VIRUS (VHSV)**

Brief description: Egtved is proposed to be removed from the name as current literature no longer includes the town where the virus was first discovered.

Why the change is warranted: This change provides consistency with the latest scientific information.

**Q Diseases List, subsection 245(c)(4)**

**A) Proposed Deletions**

**SPRING VIREMIA OF CARP VIRUS (SVCV)**

Is proposed to move to the Catastrophic Diseases list, subsection 245(c)(3). See subsection 245(c)(3) discussion for more details.

**B) Proposed Name Revisions**

**DENMAN ISLAND DISEASE *Mikrocytos mackini***

Brief description: The scientific name of the causative pathogen has been described in the scientific literature as *Mikrocytos mackini*.

Why the change is warranted: This change provides consistency with the latest scientific information.

**VIRAL ERYTHROCYTIC NECROSIS VIRUS (VENV)**

Brief description: Virus is proposed to be added to the name to help identify it as a virus.

Why the change is warranted: This change provides consistency with the latest scientific information.

**Aquatic Diseases and Organisms Lists, subsection 245(d)**

The list of diseases/pathogens and the affected aquatic plants and animals in this subsection are updated to reflect the revisions proposed for subsection 245(c).

Additional minor changes to the subsection of Section 245 are proposed to clarify the regulations and reduce public confusion.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW FOR SECTION 243**

At the Commission's March 6, 2008 meeting, the Department discussed possible changes to Section 243, Title 14, California Code of Regulations. This Title 14 section contains the regulations governing the take of wild aquatic plants and animals for use as broodstock for aquaculture purposes. The Commission concurred with the Department's request for regulatory changes to Section 243.

The Department's proposal will increase protection of wild aquatic populations from potential disease issues, strengthen the regulatory language for enforcement purposes, and revise outdated regulatory language. This proposal is a joint effort between the Department's Fisheries Branch, Law Enforcement Division, and the Aquaculture Coordinator.

The current regulations allow the release of hatchery-reared progeny from wild broodstock into state waters, lack effective enforcement measures to monitor, inspect and track wild broodstock collection and collection permit violations, and contain outdated provisions. The proposed changes are outlined in the following paragraphs organized by the categories of disease issues, enforcement needs and regulatory clean-up.

Disease issues

White Sturgeon Iridiovirus (WSIV) is a lethal viral pathogen of juvenile white sturgeon, *Acipenser transmontanus*. The virus has been isolated in farm-reared white sturgeon in the Pacific Northwest of North America, California, and Canada. Currently, there is no treatment for WSIV and it is considered a significant threat to wild sturgeon stocks by the Department.

Cultured sturgeon progeny from wild broodstock are allowed by current regulations to be released into state waters. This mitigation measure raises serious concern of the potential spread of diseases and pathogens from cultured stocks into wild native populations. A similar situation exists concerning abalone and uncertified saddle-free aquaculture facilities.

The proposed changes for this category are:

1. Remove the subsection 243(b)(2) language that allows the release of wild broodstock progeny into the state waters to reduce or waive wild broodstock permit fees. The fee reduction or waiver exemption is no longer used by the Department due to the potential threat to California's wild aquatic populations.
2. Modify subsection 243(g) to specify that wild broodstock may required to be held separately from other broodstock due to disease concerns.

Enforcement Needs

Section 243 lacks regulatory authority for law enforcement to identify people who assist collection op-

erations, ensure the collector and/or permit holder is present with the proper documentation, stop assistants from conducting collection operations independently, restrict recreational take activities by personnel during collection operations, allow Department inspections anywhere that wild broodstock may be held, and clarify that a violation of regulations or any permit condition may result in permit revocation or suspension.

The proposed changes for this category are:

1. Modify subsection 243(b) language to clarify the annual expiration date, require all people assisting the collector and/or permit holder to be listed on the permit with sufficient identification information, and ensure all special permit notifications, requirements and conditions are listed on the permit or attached pages.
2. Modify subsection 243(c) language to require the collector and/or permit holder to be present during collection operations with a commercial fishing license in their possession, require all collectors and assistants to carry proper identification, and restrict assistants to assisting with the broodstock landing, collection equipment, or boat operation, and eliminate assistants from conducting collection operations independently.
3. Modify subsection 243(d) language to restrict all personnel from recreational take of any kind while performing collection activities authorized by the permit.
4. Modify subsection 243(e) to ensure the collector and/or permit holder will notify the Department (as specified in the permit) 48 hours prior to the onset of collection operations and clarify the notification process.
5. Modify subsection 243(f) to require activity reports to be sent to the Aquaculture coordinator and Department. Also if logbooks are required by the permit, they must be in immediate possession of the collector and/or permit holder while performing collection activities.
6. Modify subsection 243(g) to clarify that the Department will determine the final disposition of the wild broodstock and specify that the wild broodstock collected will be marked as specified in the permit.
7. Modify subsection 243(h) to add that facilities, vehicles, vessels or other places where broodstock might be present, can be inspected at any time without prior notification.
8. Modify subsection 243(i) to clarify that any person currently listed on a wild broodstock permit who violates the terms of their permit, these wild broodstock regulations, or has been convicted of a

Fish and Game Code or Title 14 violation may have their application denied or have their permit revoked.

9. Add subsection 243(j) to ensure all permit requirements and conditions shall be followed and any violation of the permit provisions may lead to permit revocation or suspension.
10. Add subsection 243(k) to list the appeal information in a separate subsection for clarity.

#### Regulatory clean-up

The Section 243 was last updated in 1991. Several subsections contain outdated regulatory structure, fees that need to be clarified and updated, and require minor changes to clarify the regulations and reduce public confusion.

The proposed changes for this category are:

1. Modify subsection 243(a) to update the regulation citations and remove the reference to Ocean Ranching regulations as the Fish and Game Code section was repealed and the Title 14 section has expired.
2. Modify subsection 243(b) to update the regulation citations, list the 2008 administration fee as a range of \$100–\$500 for discussion on Department permit administration and site inspection costs, add the form number and revision date for the application form, update the aquaculture coordinator's title, and clarify that the \$25 fee is a nonrefundable application fee.

Additional minor changes to the subsections of Section 243 are proposed to clarify the regulations and reduce public confusion.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort and Spa, 2777 Fourth Street, Santa Rosa, California, on Friday, October 3, 2008 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City of Huntington Beach, City Council Chambers, 2000 Main Street, Huntington Beach, California, on Friday, November 14, 2008, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 4, 2008 at the address given below, or by fax at (916) 653–5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 4, 2008.** All comments must be received no later than November 14, 2008, at the hearing in Huntington Beach, CA. If you would like copies of

any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number.

**Neil Manji, Chief Fisheries Program Branch, Department of Fish and Game, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.**

Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Sections 241 and 247 — The proposed changes are necessary to effectively control threats to cultured and/or wild aquatic animals from diseases and pathogens and therefore the prevention of adverse economic impacts.

Section 243 — The proposed changes are necessary to control threats to wild aquatic animals and eliminate enforcement and regulatory issues, therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

#### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business.

#### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**TITLE 25. DEPARTMENT OF  
HOUSING AND COMMUNITY  
DEVELOPMENT**

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 25. DEPARTMENT OF HOUSING AND  
COMMUNITY DEVELOPMENT  
(MOBILEHOME PARKS AND  
SPECIAL OCCUPANCY PARKS)**

**NOTICE IS HEREBY GIVEN** that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome and Special Occupancy Parks.

**PUBLIC HEARING**

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: November 3, 2008

Location: HCD (Headquarters)  
1800 3<sup>rd</sup> Street, Room 470  
Sacramento, CA 95814

Time: 9:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

**SUBMISSION OF WRITTEN COMMENTS**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on November 3, 2008 in order to be considered. Written comments may be submitted by mail, e-mail, or facsimile as follows:

By mail to: Department of Housing and  
Community Development  
Division of Codes and Standards  
P.O. Box 1407  
Sacramento, CA 95812-1407  
ATTN: Mobilehome and Special  
Occupancy Parks Programs

By e-mail to: [parksregs@hcd.ca.gov](mailto:parksregs@hcd.ca.gov)

By facsimile to: (916) 327-4712  
ATTN: Ruth Ibarra

**PERMANENT ADOPTION OF REGULATIONS**

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

**AUTHORITY AND REFERENCE**

Health and Safety Code section 18300 grants HCD the authority to adopt regulations governing mobilehome parks and Health and Safety Code section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code sections 18200 through 18700 (Mobilehome Parks Act) and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the official California Legislative information website and at: <http://www.leginfo.ca.gov>.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**Summary of Existing Laws**

The Mobilehome Parks Act (MPA) contained in the Health and Safety Code (HSC) commencing with section 18200 and the Special Occupancy Parks Act (SOPA) commencing with HSC section 18860 were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a de-

cent living environment, and to protect the investments in their manufactured homes, mobilehomes, multifamily manufactured homes (MH-unit), and recreational vehicles.

### **Summary of Existing Regulations**

Uniform statewide standards were developed to assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety. Current regulations now require amendments to meet the needs of the regulated public.

### **Summary of Effect of Proposed Regulatory Action**

The purpose of these changes is to update the existing regulations for mobilehome parks and special occupancy parks.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see “Sections Affected,” below), and the specific purpose for each adoption, amendment, or repeal contained in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action. Other non-regulatory editorial amendments also have been made throughout the amended chapters. These proposed actions will enhance the clarity and applicability of the current regulations.

### **Summary of Effect of Proposed Amendments**

#### **1. Definitions**

The proposed amendments update the existing definitions to include the addition of the Application to Install Mobilehome/Manufactured Home Earthquake Resistant Bracing Systems and the reference to “Noncombustible” in the Building Code.

#### **2. General Updates Due To The Adoption Of The 2007 California Building Code**

Several sections are amended to correct references within the California Building Code (CBC) due to the recent adoption of the 2007 CBC. While similar provisions are referenced, the location within the CBC was changed.

#### **3. Local Enforcement Agency Transfer of Authority**

Due to recent legislation (Chapter 138, Statutes of 2008), when a local enforcement agency returns enforcement responsibility back to the State, the fees due upon return are based on the amount of time remaining on the permits to operate.

#### **4. Working Clearance for Electrical Equipment**

The working clearance is amended to be consistent with the same provisions in the California Electrical Code.

#### **5. Liquid Petroleum Gas Tanks and Locations**

Amendments to include Liquid Petroleum Gas (LPG) tanks of exactly 125 gallons, a correction in the reference to tank locations due to a change in the California Fire Code (CFC), and clarification of the CFC requirements for tank locations.

#### **6. Gas Piping Installation**

These sections have been amended at the request of the California Public Utilities Commission. They include a minimum ground cover of twenty-four (24) inches for buried main-line piping and eighteen (18) inches for service lines. Additional amendments include a requirement for sleeved piping under MH-units and recreational vehicles to be sealed and vented. These changes maintain consistency with the requirements contained in Part 192, Title 49, of the Code of Federal Regulations for gas piping as well as the California Plumbing Code.

#### **7. Hydrant Requirements for Older Parks**

An amendment to clarify hydrant requirements for parks constructed prior to September 1, 1968.

#### **8. MH-Units and Accessory Buildings or Structures Installed in Fire Hazard Zones**

Sections have been added to ensure compliance with the recent State Fire Marshal’s amendments to the California Building Code (CBC) for the standards of quality and materials and construction methods for MH-units, camping cabins, and accessory structures installed in State Responsibility Areas and Very High Fire Hazard Severity Zones.

#### **9. Exit Way Lighting**

An amendment that will clarify that when a required exit from a MH-unit or recreational vehicle is enclosed with an awning enclosure, the exit doorway from the enclosure must meet the same exit lighting requirements as the required exit.

#### **10. Awning Attachment to a MH-unit**

The removal of the requirement to have a freestanding awning if the manufacturer prohibits additional loads on the MH-unit provided the awning is of a lightweight design.

#### **11. Heating and Cooking Facilities in Awning Enclosures**

An amendment to clarify the prohibition of heating and cooking facilities in an awning enclosure which is for outdoor recreational use only.

12. Stairway Handrails

Clarification for the dimension of a handrail to aid grasping to be consistent with the CBC and clarification of the bottom terminus of the handrail to allow the continued use of aluminum handrails and minimize injury from contact with the handrail end.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

SECTIONS AFFECTED

Following are the specific sections of Chapters 2 and 2.2 affected by this proposed action:

- Add Section 1322, 1426, 2426
- Amend Chapter 2 Sections 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, and 1756.
- Amend Chapter 2.2 Sections 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, and 2756.

POLICY STATEMENT OVERVIEW

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately-owned mobilehome and special occupancy parks within California.

HCD is proposing to amend regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act.

SMALL BUSINESS IMPACT STATEMENT

Small businesses are affected by these regulations. (See "Cost Impact on Representative Private Person or Business" paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

There are minimal costs for the installation of the proposed gas piping sleeving changes. However, this is consistent with similar installations of gas piping throughout the State and is outweighed by the safety aspects that this change provides.

The clarification of the old hydrant requirements for parks constructed prior to September 1, 1968, will provide a savings for park operators. Because parks only have to meet the requirements in effect at the time of their construction, the application of the newer water flow requirements on older parks places an undue burden on the park operators. Clarification of the regulation in effect at the time of their construction will eliminate perceptions that these parks need to bring these older systems up to current standards.

The cost estimates for the installation of manufactured homes and accessory buildings or structures in Very High Fire Hazard Areas and State Responsibility Areas are difficult to ascertain. It is estimated that approximately 25% of the state's 4711 mobilehome parks and 677 recreational vehicle parks may be located in these areas. During the 2007 year, there were approximately 3,200 manufactured home installations and 3,800 accessory buildings or structures installed or constructed in all the state's parks. Accounting for the approximate one-quarter of parks that may be located in fire hazard areas, there is a possibility of approximately 800 manufactured homes and 950 accessory buildings or structures being installed. Further complicating these estimates is that the overwhelming majority of accessory structures consist of aluminum awnings that already comply with the proposed fire hazard area requirements or are located more than 10 feet away from other structures excluding them from the construction requirements. Additionally, the number of manufactured homes and accessory structures actually installed or constructed in these specific parks is also extremely variable. Lastly, the installation of accessory buildings or structures is optional and varies, and may be limited solely to stairways, with minimum additional

cost, or aluminum awnings that have no additional costs.

Based on these varying factors, it is estimated that the additional total cost of installing a manufactured home in a Very High Fire Hazard Area or State Responsibility Area, depending on its size, is approximately \$1200 to \$1500 per home. Accessory buildings and structures have a lesser average due to their discretionary nature and predominant fire resistant construction (aluminum). The average additional annual cost of these structures is estimated to be between \$100 and \$1000. It is not possible to adequately determine a statewide cost due to the cyclical nature of building permits.

Also, it is estimated that much, if not all, of the additional costs will be offset by lower fire insurance premiums and the decrease of property loss from fire.

HCD is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the remaining proposed actions. The additional proposed amendments serve only to clarify existing requirements.

#### ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

#### CONSIDERATION OF ALTERNATIVES

HCD has determined that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the

information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community Development  
Division of Codes and Standards  
1800 Third Street, Room 260  
Sacramento, CA 95814  
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Department's website at the following address:

<http://www.hcd.ca.gov/codes/mp>

Questions regarding the regulatory process may be directed to:

Ruth Ibarra, Staff Services Analyst  
Telephone Number: (916) 327-2796/ Fax (916) 327-4712  
E-mail: [ribarra@hcd.ca.gov](mailto:ribarra@hcd.ca.gov)

Clarification regarding the substance of this regulatory proposal may be directed to:

Brad Harward, Mobilehome & Special Occupancy  
Parks Program Manager  
Telephone Number: (916) 324-4907/ Fax (916) 327-4712  
E-mail: [bharward@hcd.ca.gov](mailto:bharward@hcd.ca.gov)

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and  
Community Development  
Division of Codes and Standards  
P. O. Box 1407  
Sacramento, CA 95812-1407  
ATTN: Mobilehome and Special  
Occupancy Parks Programs

By e-mail to: [parksregs@hcd.ca.gov](mailto:parksregs@hcd.ca.gov)

By facsimile to: (916) 327-4712  
ATTN: Brad Harward

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND GAME

#### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 CESA Tracking No. 2080–2008–020–04

**PROJECT:** Allen Road Bridge Project  
**LOCATION:** City of Bakersfield, across the Kern River  
**NOTIFIER:** Brad Underwood, City of Bakersfield

#### BACKGROUND

The City of Bakersfield (City) is proposing construction of a new roadway along Allen Road, which would extend from north of the Kern River south to the southern levee of the Kern River and would result in a new six-lane bridge over the Kern River from 1,100 feet north of Ming Avenue to approximately 1,700 feet south of Stockdale Highway (hereafter, the Project). The Project alignment is bounded by Stockdale Highway to the north, Bakersfield Christian High School/vacant land to the east, the future expansion of Ming Avenue to the south, and a mix of residential and agricultural uses to the west in the southwest portion of the City, within Kern County, California. The Project right-of-way will cover approximately 4.3 acres and the total construction footprint will be 9.51 acres. Construction of the bridge will result in a maximum construction area of 240 feet in width, extending 120 feet on each side of the proposed road centerline.

The proposed Project alignment is known to be utilized by San Joaquin kit fox (*Vulpes macrotis mutica*) and is within the range of Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*). San Joaquin kit fox and Tipton kangaroo rat are listed as endangered species under the Federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*). San Joaquin kit fox is listed as a threatened species and Tipton kangaroo rat is listed as an endangered species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). The City is known to support a robust urban population of San Joaquin kit fox and they utilize the Kern River channel, which is usually dry, for denning, foraging, and as a movement corridor through the City. Several known, active, and potential kit fox dens are present within and adjacent to the proposed Project alignment. As a result, the Project could result in take of San Joa-

quin kit fox by: destruction of occupied dens; future displacement and increased predation by removing the option for kit fox to use these dens as cover; and active relocation if needed. The Biological Opinion (BO) referenced below includes measures to avoid direct mortality or injury of individual foxes, but nonetheless anticipates some level of incidental take as defined by the ESA. While the Project is within the known range of Tipton kangaroo rat, they are not known to occur within or adjacent to the Project footprint. In July 2008, kangaroo rat burrows were observed in the Project footprint. Subsequent small mammal trapping surveys were conducted and the burrows were discovered to be those of the common Heerman's kangaroo rat (*Dipodomys heermanni*). However, because the BO contemplates impacts to Tipton kangaroo rats and authorizes incidental take of the species, consideration of Tipton kangaroo rat is included in this Consistency Determination.

On October 30, 2003, the Metropolitan Bakersfield Habitat Conservation Plan (MBHCP) Implementation Trust Group, in which the Department of Fish and Game (DFG) and United States Fish and Wildlife Service (USFWS) are advisory members, voted to allow the Project to mitigate through the MBHCP, with the understanding that take authority would be conferred through separately acquired federal and state take permits since the Kern River floodplain, where the project is located, was specifically excluded from the MBHCP. The floodplain was excluded from the MBHCP because of the importance of the Kern River floodplain as a kit fox movement corridor through the City. However, because DFG and USFWS staff believe that the Allen Road bridge will not preclude kit fox movement opportunities along the Kern River, the City was approved to mitigate through the MBHCP.

Because the Project has the potential to take a species listed under the ESA and a federal Clean Water Act (Section 404) permit was needed for work within the Kern River, the United States Army Corps of Engineers (ACOE) consulted with the USFWS under Section 7 of the ESA. On March 27, 2006, USFWS issued a BO (Ref. No. 1–1–06–F–0067), which describes the Project, including conservation measures developed to minimize impacts to San Joaquin kit fox, and sets forth measures to mitigate any remaining impacts to San Joaquin kit fox, Tipton kangaroo rat, or their habitat. On May 8, 2008, DFG received a “grading notice” for the Project, which is required for projects permitted by the MBHCP. Based on a site review by DFG staff, which often follows receipt of MBHCP grading notices as a MBHCP mechanism for DFG to salvage kit fox, it was apparent that the City graded the site prior to the MBHCP required five (5) day advance notification, and there were active kit fox dens within 10 feet of the disturbance. Upon further examination of the situation by

DFG and USFWS staff, it became apparent that the Project did not have CESA coverage through the MBHCP, the Section 404 permit and associated BO were expired and compliance with the terms and conditions had not occurred, the Streambed Alteration Agreement (SAA) issued for the project was expired, and the pre-construction biological survey conducted for the Project was inadequate. The City halted work until the permitting issues were resolved to the satisfaction of all regulatory agencies with permitting authority. The City then hired a new biological consultant which subsequently re-evaluated the situation and provided reports to DFG and USFWS and requested that consultation between the ACOE and USFWS be reinitiated.

On July 9, 2008, the BO was amended (Ref. No. 81420-2008-F1591) to include additional conservation measures and to extend the permit duration to the expiration date of the amended Section 404 permit. The SAA issued for the project was renewed, and the City took extra steps to insure compliance with all permit terms and conditions. While there were several process and compliance missteps by the City, DFG has determined that no additional take beyond that originally analyzed in the BO has occurred, and that the original impact assessment remains valid. Important to this evaluation and subsequent determination were several factors, including early intervention and detection by DFG staff, a subsequent timely response by the City to DFG and USFWS concerns, and the assessment of site conditions and the disposition of the dens that may have been in the Project area. While the City feels that it can likely continue to avoid direct impacts to any active kit fox dens, after discussing the situation with DFG staff, the City decided CESA coverage would be prudent in the event that kit fox create new dens or start utilizing currently unoccupied dens in the Project footprint. On August 4, 2008, the Director of DFG received correspondence from Brad Underwood, on behalf of the City, requesting a determination pursuant to section 2080.1 of the Fish and Game Code that the amended BO, including its Incidental Take Statement (ITS), is consistent with CESA.

#### DETERMINATION

DFG has determined that the BO as amended on July 9, 2008, including its ITS, is consistent with CESA because the mitigation measures therein meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for authorizing the incidental take of CESA-listed species. Specifically, DFG finds that take of San Joaquin kit fox and Tipton kangaroo rat will be incidental to an otherwise lawful activity (*i.e.*, construction and operation of a road extension and

bridge), the mitigation measures identified in the BO and required by the ITS will minimize and fully mitigate the impacts of the authorized take of San Joaquin kit fox and Tipton kangaroo rat, and the Project will not jeopardize the continued existence of the species. The avoidance, minimization, and mitigation measures in the BO as amended include, but are not limited to, the following:

#### Avoidance and Minimization

- Debris piles, riprap, and abandoned pipe will be examined for presence of kit fox by a qualified biologist. Monitoring and excavation will be according to USFWS and DFG approved guidelines.
- All work will be conducted during daylight hours to avoid peak kit fox activity periods.
- All food-related trash will be disposed of in closed containers and regularly removed from the site.
- All Project-related vehicles will observe a speed limit of 20 mph or less.
- All trenches left uncovered overnight will be ramped to allow animals to escape.
- Construction boundaries will be delineated with orange snow fencing.
- Every reasonable effort will be made to prevent the collapse of dens and burrows by relocating vehicle travel routes and staging areas.
- Avoidance zones (1,000 feet from natal kit fox dens, 100 feet from known kit fox dens, and 50 feet from potential kit fox dens) will be established by an USFWS-approved biologist with plainly visible construction fencing, which will be maintained on a daily basis during construction.
- If destruction of a known or potential kit fox den cannot be avoided during implementation of project activities, consultation with the USFWS and DFG will be pursued. The den will be monitored for three consecutive days and excavated according to agency-approved guidelines. All den excavations will be supervised by an USFWS-approved biologist.

#### Mitigation and Compensation

- Compensation for impacts to 9.51 acres has occurred by payment of fees into the MBHCP (per acre charge). The MBHCP fees are used for acquisition of habitat that supports kit fox, Tipton kangaroo rat, and other associated MBHCP covered species. Mitigation lands are purchased only after DFG deems it to be occupied or potential habitat for the MBHCP covered species. The MBHCP per-acre fee structure allows for 3:1 compensation of impacts to natural lands (3 acres conserved for every acre impacted).

Compensation lands acquired are transferred to DFG for management in perpetuity, enhancement and endowment dollars which are included in the MBHCP fee are placed in DFG's special deposit fund, and the interest is used by DFG for management and monitoring of the acquired habitat.

Based on this consistency determination, the City does not need to obtain authorization from DFG under CESA for take of San Joaquin kit fox or Tipton kangaroo rat that occurs in carrying out the Project, provided the City implements the Project as described in the BO as amended (including the Conservation Measures), and complies with the mitigation measures and other conditions described in the BO and ITS, including the amendment. However, if the Project as described in the BO as amended, including the mitigation measures therein, changes, or if USFWS amends or replaces the BO, the City will need to obtain from DFG a new consistency determination (in accordance with Fish and Game Code section 2080.1) or an incidental take permit (in accordance with Fish and Game Code section 2081).

## DEPARTMENT OF PUBLIC HEALTH

**TITLE:** PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2009

**ACTION:** NOTICE OF HEARINGS FOR PROPOSED FUNDINGS

### SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2008-09 (FFY 2009).

### PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 9:00 a.m. on Monday, November 3, 2008, in the Kings River Room 463 at 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7209, P.O. Box 997413, Sacramento, California, 95899 must receive any written

statements or arguments by 5:00 p.m. November 3, 2008, which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

### CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Chief, Prevention 2010 Section, Chronic Disease Control Branch, CDPH, at (916) 552-9960. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

### AVAILABILITY OF INFORMATION FOR REVIEW

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, at the Front Desk from 8:00 a.m. to 5:00 p.m., September 19, 2008, through November 3, 2008.

## OAL REGULATORY DETERMINATION

### OFFICE OF ADMINISTRATIVE LAW

### DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

## DEPARTMENT OF MENTAL HEALTH

### STATE OF CALIFORNIA

### OFFICE OF ADMINISTRATIVE LAW

**2008 OAL DETERMINATION NO. 24**  
(OAL FILE # CTU 2008-0321-01)

**REQUESTED BY:** Michael St. Martin

**CONCERNING:** Administrative Directive 624 concerning individuals' mail and packages issued by Coalinga State Hospital, Department of Mental Health.

Determination Issued Pursuant to Government Code Section 11340.5.

## SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of a “regulation” as defined in Government Code section 11342.600<sup>1</sup> and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of a “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation” as defined in California Code of Regulations, title 1, section 250.<sup>2</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

## CHALLENGED RULE

On March 21, 2008, Mr. St. Martin (Petitioner) submitted a petition to OAL challenging Administrative Directive 624 (AD 624) issued by Coalinga State Hospital (CSH), a state hospital under the jurisdiction of the Department of Mental Health (Department). AD 624 is titled “Individuals’ Mail and Packages.” It was issued by the Acting Executive Director and went into effect on August 9, 2007. The Petitioner alleges that AD 624 meets the definition of a “regulation” that should have been adopted pursuant to the APA.

## DETERMINATION

OAL determines that AD 624 meets the definition of a “regulation” as defined in Government Code section 11342.600 that should have been adopted pursuant to the APA.

<sup>1</sup> Government Code section 11342.600 states:

“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

<sup>2</sup> California Code of Regulations, title 1, section 250, subdivision (a) defines “underground regulation:”

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

## FACTUAL BACKGROUND

On August 9, 2007, the Acting Executive Director of CSH issued AD 624.<sup>3</sup> AD 624 states that the purpose of the directive is to:

. . . ensure a coordinated set of guidelines and procedures regarding the responsibilities, procedures, and limitations which govern an individual’s incoming and outgoing mail and packages. It provides for the right of individuals to send and receive mail and packages, and it ensures that the hospital operates according to its security needs, fire regulations, and physical space limitations.

Following are examples of the provisions in AD 624:

- Definitions of “Mail,” “Package,” and limitations on the weight and size of mail and packages, and requirements for special handling of items falling outside the size or weight limitations.
- Proper addressing of an individual’s incoming and outgoing mail.
- Prohibition on the receipt or mailing of third-party mail.
- Requirement for legally related mail to be identified as such.
- Requirement that unit staff maintain a log of all outgoing legally related correspondence.
- Limitation on the amount of writing materials for newly admitted individuals.
- Procedures to be used for mail and package receipt and distribution.
- Requirement that all pictures, periodicals, catalogs and/or literature be reviewed by staff.
- Requirement that all cash, checks, money orders, etc., be placed in the individual’s trust account.
- Procedures for forwarding mail if an individual is no longer in the unit or has left the hospital.
- Requirement that all incoming packages be inspected for contraband.
- Limitations on the number of incoming packages for each individual.
- Requirement that the individual be present when the individual’s packages are opened unless a waiver has been signed.
- Requirement that the individual may order items only from approved vendors.

On June 23, 2008, OAL received a response from the Department. The Department argues that AD 624 does not meet the definition of a regulation for the following reasons:

<sup>3</sup> A copy of AD 624 is included as Exhibit 1.

1. AD 624 is not a regulation. Instead, the AD is a guide to the staff at CSH of how to handle the mail and what mailing material the individuals are permitted to have.
2. AD 624 does not apply generally and does not “implement, interpret, or make specific” any statute. It is not quasi-legislative.
3. AD 624 restates state law and regulation.
4. AD 624 is exempt from the APA because it falls under the “internal management” exception.
5. CSH is allowed to create policy based on the situation of the facility, and AD 624 is a safety and security issue.
6. The issuance of AD 624 is similar to a “local rule” issued by a state prison and exempted from the APA by Penal Code section 5058.
7. AD 624 is constitutionally permitted.

OAL received no comments from the public.

OAL received the Petitioner’s rebuttal to the Department’s response. The rebuttal expanded upon the arguments made in the petition, but did not raise any new, relevant issues.

## UNDERGROUND REGULATIONS

Section 11340.5, subdivision (a), prohibits state agencies from issuing rules unless the rules comply with the APA:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of section 11340.5 it creates an underground regulation as defined in California Code of Regulations, title 1, section 250.

OAL may issue a determination as to whether or not an agency issued, utilized, enforced, or attempted to enforce a rule that meets the definition of a “regulation” as defined in section Government Code 11342.600 that should have been adopted pursuant to the APA. An OAL determination that an agency has issued, utilized, enforced, or attempted to enforce an underground regulation is not enforceable against the agency through any

formal administrative means,<sup>4</sup> but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 268 Cal.Rptr. 244.

To determine whether an agency issued, utilized, enforced, or attempted to enforce an underground regulation in violation of Government Code section 11340.5, it must be demonstrated that the agency rule is a “regulation” and not exempt from the APA.

## ANALYSIS

CSH is a state mental health hospital, under the jurisdiction of the Department.<sup>5</sup> CSH, like other state mental hospitals, has limited authority to act as an independent entity. The responsibility of governing all state mental hospitals lies with the Department. Welfare and Institutions Code section 4101 provides that:

. . . all of the institutions under the jurisdiction of the State Department of Mental Health shall be governed by uniform rule and regulation of the State Department of Mental Health. . . .

The individuals<sup>6</sup> committed to CSH are “non-LPS” patients, that is, patients who are placed in or committed to CSH pursuant to legal authority *other than* the Lanterman–Petris–Short LPS) Act,<sup>7</sup> commencing with Section 5000, of Part 1, Division 5 of the Welfare and Institutions Code. For example, Welfare and Institutions Code section 6600 and following, the Sexually Violent Predator Law, provides that inmates of the Department

<sup>4</sup> We note that the Department’s response included a request that, if OAL finds that AD 624 does meet the definition of a regulation, that OAL allow the Department to continue use of AD 624 until regulations can be promulgated to avoid significant disruptions at CSH and to ensure the safety and security of the patients and staff at CSH. OAL has no power to compel the Department to discontinue use of AD 624. Such an order must be made by a court of competent jurisdiction.

<sup>5</sup> Welfare and Institutions Code section 4100 states:

The department [of Mental Health] has jurisdiction over the following institutions: . . . (b) Coalinga State Hospital. . . .

<sup>6</sup> A person who has been referred by the California Department of Corrections and Rehabilitation (CDCR) to the Department for evaluation as a sexually violent predator (SVP) is an “inmate” of CDCR. If that person is determined to be an SVP, he or she is transferred to a state hospital under the jurisdiction of the Department and is no longer an inmate of a CDCR prison. The SVP is then referred to as a “patient” or “individual.”

<sup>7</sup> Pursuant to Welfare and Institutions Code section 5001, the Lanterman–Petris–Short Act provides for care for mentally disordered persons, developmentally disabled persons, and persons impaired by chronic alcoholism. CSH does not have an LPS population. According to the Department’s website ([http://www.dmh.ca.gov/Services\\_and\\_Programs/State\\_Hospitals/Coalinga/Director.asp](http://www.dmh.ca.gov/Services_and_Programs/State_Hospitals/Coalinga/Director.asp), viewed on September 3, 2008), CSH is described as a maximum-secured forensic facility that holds both sexually violent predators and mentally ill inmates from the California Department of Corrections and Rehabilitation.

of Corrections and Rehabilitation who are found by a court to be sexually violent predators are committed as a patient of the Department. The Department places the patient in an appropriate facility.<sup>8</sup>

A determination of whether the challenged rule is a “regulation” subject to the APA depends on (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4<sup>th</sup> 557, 571, the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, § 11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, § 11342, subd. (g)).

The first element of a regulation is whether the rule applies generally. AD 624 applies to all individuals committed to CSH, any person who sends mail to individuals committed to CSH, and the employees of CSH. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations. Individuals committed to CSH, their correspondents and employees of CSH are clearly defined classes of persons. The first element is, therefore, met.

The second element established in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

As noted above, Welfare and Institutions Code section 4100 states that the Department has jurisdiction over CSH. Welfare and Institutions Code section 4101 requires all of the institutions under the jurisdiction of the Department be governed by uniform rule and regulation of the Department. In addition, Welfare and Institutions Code section 4027, which applies to non-LPS patients, states:

The State Department of Mental Health may adopt regulations concerning patients’ rights and related procedures applicable to the inpatient treatment of mentally ill offenders receiving treatment . . . , persons receiving treatment as mentally disordered sex offenders, and inmates of jail psychiatric units.

AD 624 establishes limitations and requirements on the mail that patients at CSH may send and receive. AD 624 affects all aspects of the sending and receipt of patients’ mail including the addressing of the mail, the size of packages, the labeling of legal mail, the receipt and distribution of patients’ mail and packages, etc. AD 624, therefore, implements Welfare and Institutions Code sections 4100 and 4101 which deal with the Department’s responsibilities to adopt regulations to govern state hospitals. In addition AD 624 implements Welfare and Institutions Code section 4027 which permits the Department to adopt regulations concerning patients’ rights and related procedures. The second element in *Tidewater* is, therefore, met.

Having met both elements of *Tidewater*, OAL determines that AD 624 meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether AD 624 falls within an exemption from the APA. Government Code section 11346 requires that an exemption from the APA must be an express statutory exemption. We can find no express APA exemptions that would apply to AD 624.

## AGENCY RESPONSE

In its response, the Department makes several arguments for finding that AD 624 does not meet the definition of a regulation. We will address each argument in turn.

1. AD 624 is not a regulation. Instead, the AD is a guide to the staff at CSH of how to handle the mail and what mailing material the individuals are permitted to have.

Government Code section 11340.5 specifically prohibits guidelines that meet the definition of “regulation.” Government Code section 11340.5 states:

- (a) No state agency shall issue, utilize, enforce, or attempt to enforce any *guideline*, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a

<sup>8</sup> Welfare and Institutions Code section 6604 states:

. . . If the court or jury determines that the person is a sexually violent predator, the person shall be committed for an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health.

regulation as defined in Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to this chapter. (Emphasis added.)

AD 624, as determined above, meets both the elements of *Tidewater* and, therefore, meets the definition of “regulation.”

Furthermore, the designation of a challenged rule as a “guide” is not dispositive of the challenged rule’s true nature. In *State Water Resources Control Board v. OAL* (1993) 12 Cal.App.4<sup>th</sup> 697, 702, the Court held:

The Legislature established the OAL as a central office with the power and duty to review administrative regulations. The Legislature expressed its reasons in no uncertain terms stating, in essence, that it was concerned with the confusion and uncertainty generated by the proliferation of regulations by various state agencies, and that it sought to alleviate these problems by establishing a central agency with the power and duty to review regulations to ensure that they are written in a comprehensible manner, are authorized by statute and are consistent with other law. (Gov. Code, §§ 11340, subd. (e), and 11340.1.) In order to further that function, the relevant Government Code sections are careful to provide OAL authority over regulatory measures whether or not they are designated “regulations” by the relevant agency. *In other words, if it looks like a regulation, reads like a regulation, and acts like a regulation, it will be treated as a regulation whether or not the agency in question so labeled it.* (Emphasis added.)

Thus, the fact that the Department asserts that the challenged AD is a “guide” does not keep it from being found to be a “regulation,” and subsequently subject to the APA, as OAL concluded above.

2. AD 624 does not apply generally and does not “implement, interpret, or make specific” any statute. It is not quasi-legislative.

As noted above, the *Tidewater* case does not require that all persons in the state be affected by the rule. Rather, it is enough that the rule apply to a clearly defined class of persons. AD 624 is a rule that applies generally because it declares how a certain open class of cases, those involving patients and their correspondents will be decided.

Furthermore, as discussed above, AD 624 implements, interprets or makes specific Welfare and Institutions Code sections 4100, 4101 and 4027 which give authority to the Department to adopt regulations to govern state hospitals and which concern patients’ rights.

Finally, AD 624 is “quasi-legislative.” *Tidewater* states:

A written statement of policy that an agency intends to apply generally, that is unrelated to a specific case, and that predicts how the agency will decide future cases is essentially legislative in nature even if it merely interprets applicable law.<sup>9</sup>

Among other requirements, AD 624 limits the weight and content of mail, and requires that all mail be screened and logged. The Department intends AD 624 to apply generally to patients and their families and friends. AD 624 states how the Department will decide all future handling of mail received or sent by patients. Therefore, it is quasi-legislative action on the part of the Department and is subject to the APA.

3. AD 624 restates state law and regulation.

The response lists the following three sections of the Welfare and Institutions Code and title 9 of the California Code of Regulations that the Department believes are restated in AD 624: Welfare and Institutions Code sections 4136 and 5325(e) and California Code of Regulations, title 9, section 884(b)(6).

- a. Welfare and Institutions Code section 4136

Welfare and Institutions Code section 4136 states:

(a) Each patient in a state hospital for the mentally disordered who has resided in the state hospital for a period of at least 30 days shall be paid an amount of aid for his or her personal and incidental needs that, when added to his or her income, equals twelve dollars and fifty cents (\$12.50) per month. If a patient elects to do so, a patient may save all or any portion of his or her monthly amount of aid provided for personal and incidental needs for expenditure in subsequent months.

(b) Each indigent patient in a state hospital for the mentally disordered shall be allotted sufficient materials for one letter each week, including postage in an amount not to exceed the cost of one stamp for first-class mail for a one-ounce letter, at no cost to the patient.

(c) Each newly admitted patient, for the first 30 days after his or her initial admission, shall be allotted sufficient materials for two letters each week, including postage for first-class mail for up to two one-ounce letters per week. The hospital administrator shall ensure that additional writing materials and postage are available for purchase by patients at the store or canteen on hospital grounds.

<sup>9</sup> *Tidewater*, *supra*, at 574–575.

(d) For purposes of this section, “indigent patient” means any patient whose income is no more than twelve dollars and fifty cents (\$12.50) per month.

We agree that some provisions of section V.C. of AD 624 restate Welfare and Institutions Code section 4136. Restatements of existing law do not meet the definition of “regulation” in Government Code section 11342.600 because a restatement does not further interpret, implement or make specific the law enforced by the agency. Those sections of AD 624 which are solely restatements do not need to be adopted pursuant to the APA.

b. Welfare and Institutions Code section 5325(e)

Welfare and Institutions Code section 5325 is a list of rights for individuals in state hospitals. Subsection (e) states that individuals have the right:

(e) To have ready access to letterwriting materials, including stamps, and to mail and receive unopened correspondence.

The definition of a “regulation” in Government Code section 11342.600 states:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

If a general rule issued by a state agency further implements, interprets or makes specific the existing law, it must be adopted as a regulation pursuant to the procedures in the APA. As noted above in the list of examples of provisions in AD 624, the AD includes requirements that implement, interpret or make specific the general right granted in Welfare and Institutions Code section 5325 to individuals in state hospitals. For example, AD 624 imposes limits on the size of mail and packages, it limits the receipt of third class mail, it requires the inspection of all photographs, etc. These and other similar provisions in AD 624 are not mere restatements of Welfare and Institutions Code section 5325 or any other provisions of law. These provisions meet the definition of “regulation” and should have been adopted pursuant to the procedures in the APA.

c. California Code of Regulations, title 9, section 884(b)(6).

California Code of Regulations, title 9, section 884(b)(6) states:

(b) Non-LPS Patients have the following rights, subject to denial for good cause:

(6) A right to have access to letter writing materials and to mail and receive correspondence. Designated facility employees shall open and

inspect all incoming and outgoing mail addressed to and from patients for contraband. Confidential mail, as defined in Section 881(c), shall not be read. Limitations on size, weight and volume of mail shall be specified by formal facility policy.

AD 624 further implements, interprets and makes specific section 884(b)(6) by establishing the process the staff must use to open and inspect all incoming and outgoing mail. For example, section V.D. of AD 624 requires that the staff identify, sort and deliver “in accordance with established mail/package processing procedures.” Unit staff must provide a confidential area for individuals to receive mail during mail call. Individuals who receive mail and are off the unit must be notified. Unit staff will deliver the mail to the individual to whom it is addressed and in accordance with the hospital’s rules open and inspect it for contraband without reading it. If contraband is found, it must be removed and a receipt provided to the individual as soon as practical. The Unit Supervisor shall be notified and contraband procedures followed. The section continues with additional procedures to be followed when mail is received.

The procedures set forth throughout AD 624 are not mere restatements of California Code of Regulations, title 9, section 884(b)(6). They meet the definition of “regulation” and should have been adopted pursuant to the procedures in the APA.

4. AD 624 is exempt from the APA because it falls under the “internal management” exception.

Government Code section 11340.9 (d) exempts from compliance with the APA any rule that “relates only to the internal management of the state agency.” This exemption from the APA has been construed very narrowly. The California Court of Appeal in *Grier v. Kizer* summarizes case law on internal management, stating:

*Armistead v. State Personnel Board* [citation] determined that an agency rule relating to an employee’s withdrawal of his resignation did not fall within the internal management exception. The Supreme Court reasoned the rule was ‘designed for use by personnel officers and their colleagues in the various state agencies throughout the state. It interprets and implements [a board rule]. It concerns termination of employment, a matter of import to all state civil service employees. It is not a rule governing the board’s internal affairs. [Citation.] “Respondents have confused the internal rules which may govern the department’s procedure . . . and the rules necessary to properly consider the interests of all . . . under the . . . statutes. . . .” [Fn. omitted.] [Citation; emphasis added by *Grier* court.]

*Armistead* cited *Poschman v. Dumke* [citation], which similarly rejected a contention that a regulation related only to internal management. The *Poschman* court held: “Tenure within any school system is a matter of serious consequence involving an important public interest. The consequences are not solely confined to school administration or affect only the academic community.” . . . [Citation.]

Relying on *Armistead*, and consistent therewith, *Stoneham v. Rushen* [citation] held the Department of Corrections’ adoption of a numerical classification system to determine an inmate’s proper level of security and place of confinement ‘extend[ed] well beyond matters relating solely to the management of the internal affairs of the agency itself [,]’ and embodied ‘a rule of general application significantly affecting the male prison population’ in its custody.

By way of examples, the above mentioned cases disclose that the scope of the internal management exception is narrow indeed. This is underscored by *Armistead’s* holding that an agency’s personnel policy was a regulation because it affected employee interests. Accordingly, even internal administrative matters do not per se fall within the internal management exception. . . .<sup>10</sup>

The internal management exemption has been judicially determined to be narrow in scope.<sup>11</sup> The courts apply the internal management exemption if the “regulation” at issue (1) affects only the employees of the issuing agency,<sup>12</sup> and (2) does not address a matter of serious consequence involving an important public interest.<sup>13</sup> In order for a rule or procedure to fall within the internal management exemption, it must meet both of these two prongs.

AD 624 fails to meet the first prong. AD 624 does not affect only the employees of the Department. It also affects the individuals committed to CSH and the people with whom they correspond.<sup>14</sup> Therefore AD 624 does not fall within the internal management exemption.

<sup>10</sup> *Grier v. Kizer* (1990) 219 Cal.App.3d 422, 436, 268 Cal.Rptr. 244, 252–253.

<sup>11</sup> *Id.*

<sup>12</sup> See *Armistead v. State Personnel Board* (1978) 22 Cal.3d 198, 149 Cal.Rptr. 1; *Stoneham v. Rushen (Stoneham I)* (1982) 137 Cal.App.3d 729, 188 Cal.Rptr. 130; *Poschman v. Dumke* (1973) 31 Cal.App.3d 932, 107 Cal.Rptr. 596.

<sup>13</sup> See *Poschman, supra*, 31 Cal.App.3d at 943, 107 Cal.Rptr. at 603; and *Armistead, supra*, 22 Cal.3d at 203–204, 149 Cal.Rptr. at 3–4.

<sup>14</sup> Because AD 624 does not meet the first prong of the “internal management” exemption, there is no need to discuss or analyze the second prong.

5. CSH is allowed to create policy based on the situation of the facility and AD 624 is a safety and security issue.

OAL sympathizes with the need to ensure the safety and security of the state hospitals and the people who live and work there. However, this determination is limited to the single issue of whether AD 624 meets the definition of a regulation. We have no authority to create an exemption from the APA based upon the situation found in state hospitals. That is the purview of the Legislature.

6. The issuance of AD 624 is similar to a “local rule” issued by a state prison and exempted from the APA by Penal Code section 5058.

In Penal Code section 5058, the Legislature recognized that each prison under the jurisdiction of CDCR may have conditions unique to that prison. In such cases, the individual prison may adopt rules to address those conditions without following the requirements of the APA. The situation that the Department faces is very similar to that of CDCR; however, OAL does not have the authority to apply to the Department a statute that specifically applies only to CDCR. This is a decision which must be made by the Legislature.

7. AD 624 is constitutionally permissive.

The Department argues that, pursuant to *Martyr v. Mazur-Hart* (1992) 789 F. Supp. 1081, forensic patients at state mental hospitals do not have a right for their mail not to be searched, nor do they have a right to receive uncensored mail.

The constitutionality of the provisions of AD 624 and whether the patients do or do not have specific rights is not an issue that OAL can address. In issuing a determination pursuant to Government Code section 11340.5, OAL is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act.

## CONCLUSION

OAL finds that AD 624 is a “regulation” as defined in section 11342.600, does not fall within any express statutory APA exemption, and therefore, it should have been adopted pursuant to the APA.

Date: September 8, 2008

/s/  
Susan Lapsley  
Director

/s/  
Kathleen Eddy  
Senior Counsel

Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

**EXHIBIT 1  
AD 624**

Coalinga State Hospital      **OPERATING MANUAL**

SECTION — SUPPORTIVE SERVICES  
ADMINISTRATIVE DIRECTIVE NO. 624  
(Replaces A.D. No. 624 dated 4/12/07)

Effective Date: August 9, 2007

**SUBJECT: INDIVIDUALS' MAIL AND PACKAGES**

**I. PURPOSE**

To ensure a coordinated set of guidelines and procedures regarding the responsibilities, procedures, and limitations which govern an Individual's incoming and outgoing mail and packages. It provides for the right of individuals to send and receive mail and packages, and it ensures that the hospital operates according to its security needs, fire regulations, and physical space limitations.

**II. AUTHORITY**

Department of Mental Health (DMH) Special Order No. 248.01 and 249.01; California Welfare & Institutions Code, Section 4136; and California Code of Regulations, Title 9.

**III. POLICY**

Individuals have the right to have access to letter writing materials, including stamps, and to send and receive mail and packages. The hospital has detailed processes in place to ensure Individuals and staff understands how incoming and outgoing mail and packages will be handled.

**IV. METHOD**

**A. Definitions:**

1. "Mail" is defined as paper documents sent in a standard sized envelope, manila envelope, or special handling envelope (Priority mail, Express mail, etc.) with a weight under 16 ounces and less than 1/2" thick. All other materials falling outside this description will be deemed as a package and will be forwarded to Mail Services for processing, then to Police Services Package Center (PSPC) for issuance according to established procedures.

2. "Package" is defined as any items(s) delivered in a box, large manila envelope with bubble wrap, or other container that is not standard envelope size or is more than 16 ounces or 1/2" thick. Exceptions are Periodicals, Catalogs, or Literature Search Materials from Federal and/or State agencies.

**V. GENERAL PROCEDURES FOR MAIL AND PACKAGE PROCESSING**

**A. Addressing and Labeling of Individuals' Mail and Packages:**

1. All incoming/outgoing mail and packages must be addressed properly including the Individual's full name, unit number and identification number to ensure proper and timely delivery. Incoming/outgoing mail and/or packages with "Coalinga State Hospital" in the address line may be subject to opening by receiving staff as an unknown vendor purchase.

Example:    John J. Doe  
                 Unit 00, Identification  
                 CO-000000-0  
                 P.O. Box 5003  
                 Coalinga, CA 93210-5003

2. All incoming/outgoing mail and packages should have a return address, in the event that the mail and/or package(s) are unable to be delivered.
3. Every effort shall be made to deliver mail and/or packages without a proper address. If multiple Individuals with the same name are located, an attempt will be made to confirm that the sender is known to one of the Individuals. If it cannot be confirmed that the sender is known to one of the Individuals, the mail or packages shall be returned unopened, to the sender, the post office of origin, or other shipping agent.
4. Individuals have the right to decline acceptance of mail and/or packages from one or more Individuals and/or vendors. Mail and/or packages that are declined by an Individual shall be sent back to Mail Services with instructions to return, unopened, to the sender. Mail or packages that are opened at the Individual's request may require the Individual to pay for return shipping costs.
5. Delivery or mailing of third-party mail is prohibited, and such mail shall be returned to the sender, unopened, via the Mail Services and the Individual's Wellness and Recovery team shall be notified.
6. Third class mail (junk mail) without an Individual's Coalinga State Hospital Identification No. (CO #) is not allowed and will be disposed of by the Mail Services.

**B. Legal Mail and Packages:**

1. All incoming/outgoing legal mail and/or packages should be marked "Legal Correspondence" on the outside. Legal mail that is not identified may be subject to processing in accordance with non-legal mail/package procedures.
2. Individuals have the right to mail legal documents to the courts. The state provides free mail for the first 30 days after initial admission. Thereafter, the cost of postage for mailing documents to the courts or attorneys will be charged against funds in, or later deposited in, the Individual's Trust Account.
3. Indigent Individuals' legal documents will be mailed to the courts using first class postage, at State expense.
4. Unit staff shall maintain a log of all outgoing legal correspondence, to include Individual's name, date, recipient, and staff's signature.

**C. Writing Materials and Postage:**

1. Newly admitted Individuals shall be allotted sufficient writing materials, including postage for first-class mail, for up to two one-ounce letters per week for the first thirty (30) days after initial admission. Thereafter, Individuals are required to purchase writing and mailing materials, and pay regular postage and special mail services fees out of their personal funds.
2. For the purpose of this section, "Indigent Individuals" means any individual whose income is not more than twelve dollars and fifty cents (\$12.50) per month.
3. After the initial 30 days from admission, Indigent Individuals shall be allotted sufficient materials for one letter each week, including postage in an amount not to exceed the cost of one stamp for first-class mail for one-ounce letter, at no cost to the Individual.
4. Additional writing materials and postage shall be available for purchase at the stores or canteens on hospital grounds.

**D. Mail and Package Receipt and Distribution:**

1. Upon receipt of the mail; Mail Services staff identifies, sorts and delivers in accordance with established mail/package processing procedures. Unit staff shall provide a confidential area for Individuals to receive mail during mail call. Individuals who receive mail and are off the Unit shall be notified. Unit staff will deliver the mail to the individual to whom it is addressed and in accordance with the hospital's rules open and inspect incoming mail for contraband without reading written material in the presence of the

Individual. If contraband is found, it shall be removed and a "Receipt of the contraband/Confiscated Items" will be provided to the Individual as soon as practical. The Unit Supervisor shall be notified and contraband procedures will be followed.

2. All pictures, periodicals, catalogs and/or literature search materials received by Individuals in the mail will be reviewed by the Unit Staff for illegal or inappropriate content and are subject to review and approval by Wellness and Recovery Team before being given to the Individual.
3. An exception to the above procedures will occur if it is determined by Unit staff that the mail is considered suspicious. This would include suspecting an explosive device, drugs, weapons, or any other contraband items. In these cases, the mail will be opened before delivery to an Individual. These procedures would occur to ensure the safety and security of staff, Individuals, and the public.
4. All cash, checks, money orders or other instruments of payment received by the Individual through the mail will be placed in the Individual's trust account.
5. Mail may be declared undeliverable and un-returnable when the addressee and the return address are insufficient for delivery or return. Should any mail or package possess a biohazard or health risk, it will be declared undeliverable.
  - a. Undeliverable mail will be disposed of in a manner prescribed by the law.
  - b. Should there be no applicable law covering a given situation, the issue of disposal will be determined by the Executive Director.
  - c. If known, the Individual recipient will be advised in writing of the name and address of the party sending the mail or package and the circumstances surrounding its disposal.

**E. Transferred Individual Mail:**

1. Mail received for an Individual who is no longer on the Unit should be forwarded to the Individual or returned to the Mail Center with a note attached to it (use paper clip) stating the present location of the Individual. This information should not be written on the envelope.
2. It is suggested that Individuals leaving the hospital authorize forwarding address for first class mail which will remain in effect for sixty days using the "Individual Mail Forwarding Form" #34-100, submitted to Mail Services by Unit Staff via mail process bag procedure. No envelope required, as mail bag suffices for confidentially purposes.

- a. Individuals agree that only First Class Mail will be forwarded for up to sixty (60) days from start date.
  - b. Periodicals, Non Profit, Bulk Rate, Standard, and all other mail types will not be forwarded by the United States Postal Service (USPS) and will be returned to sender by CSH Mail Center.
  - c. Individual is responsible to notify any publishers and other correspondences of change of address.
  - d. Individual is responsible to notify Mail Center staff upon return to CSH, to discontinue any previous mail forwarding requests.
- F. Incoming Mail and Packages:
1. All incoming packages must be received through the USPO, common carrier, authorized shipping agents, approved vendor or other institution. No packages will be accepted from visitors. The main point of receipt for packages will be the Mail Services. Upon receipt of patient packages, the Mail Services' staff will verify in accordance with this policy:
    - a. Individuals' correctly labeled ship to address.
    - b. Senders' correctly labeled return address.
    - c. Individual Mail Forwarding Form 34-100. (Note: Packages will be returned to sender, only first class mail will be forwarded.)
    - d. Approved Educational Materials Form CSH-099.
    - e. Authorization to Ship Items Warranty/Non-Warranty Repair Return (Form 34-101 Pending Forms Committee Review).
    - f. Approved Vendor.
    - g. Third-Party Mail/Package.
    - h. Allowable Weight.
    - i. Allowable Size.
- G. Package Distribution and Search:
1. Packages addressed to Individuals at CSH are delivered to PSPC, who in turn will deliver the packages to the addressee in accordance with this policy.
    - a. All incoming packages shall be inspected for contraband and processed by PSPC on a first come — first served basis except that those packages intended for Individuals with a signed waiver form on file may take priority.
    - b. Upon determination of contraband, the receiving Individual will decide to destroy the contraband item and/or place Class 3, 4 or 5 contraband items into Property Storage, excluding corrosive or perishable items.
    - c. Once the Individual's Property Storage containers exceed the fifty pound limit, the determination of disposition may be made by the Individual if within the rules and regulations of CSH. Any costs involved with the disposition will be the responsibility of the Individual.
  2. Periodicals, catalogs and/or Literature Search materials are not considered vendor or quarterly packages. All printed material determined to not be mail will be received and processed by PSPC for contraband and/or approval.
    - a. All incoming periodicals, catalogs and/or Literature Search materials will be scanned to prevent the introduction of contraband into the facility. Any contraband found will be taped to the received material and the Individual will decide on the disposition of the contraband items in the prescribed manner.
    - b. Periodicals, catalogs and/or Literature Search materials will be subject to review by the package officer. If determined to be inappropriate they will be held for secondary review and final determination within 10 days by the Package Review Panel or treatment staff, depending on question of inappropriateness.
    - c. If upon opening the package, the material is found to be a non-periodical/catalog it will be handled as one of the following:
      - i. Package;
      - ii. Mail; or
      - iii. Contraband will be handled in the prescribed manner.
    - d. If it is determined by appropriate staff that the package is considered suspicious including:
      - i. Suspecting an explosive device;
      - ii. Drugs;
      - iii. Weapon; or
      - iv. Other contraband item.

The package will be opened before delivery to the Individual. These procedures will occur to ensure the safety and security of the staff, Individuals and the public, if suspicious contraband is found the contraband will be handled according to procedure.

3. Package Limitations:
  - a. Incoming (non–Vendor) packages are limited to three (3) packages per Individual per calendar quarter for the first three quarters (January–March, April–June, July–September) and will be tracked by PSPC.
  - b. Incoming (non–Vendor) packages are limited to four (4) packages per Individual during the fourth calendar quarter (October–December), due to the holidays, and will be tracked by PSPC.
  - c. Non–Vendor packages in excess of the quarterly limit will be returned to the sender, originating post office or shipping agent.
  - d. There is no limit on approved vendor packages.
  - e. All packages must be received through the USPS, common carrier, parcel carrier, shipping agent or other institution. Packages will not be accepted from visitors.
  - f. Packages will not exceed 30 pounds in weight or the size limit of 24" length x 19" width x 16" height. Packages exceeding the weight or size limitations will not be accepted and will be returned to the post office or shipping agent.
  - g. Items not in factory sealed containers or determined to be contraband will be disposed of in a prescribed manner.
  - h. Any undeliverable package will be returned to sender, USPS, Common Carrier, Shipping Agent, other institution or will be disposed of in a prescribed manner.
4. Allowable Items:
  - a. Only those items and the amounts listed on the Acceptable Incoming Items (Allowables List per A.D. No. 626) will be allowed. Items not on the list will be handled in the prescribed manner.
  - b. The hospital will provide a list of acceptable incoming items (Allowables List) to the Individuals and this list will also be available at the Front Lobby Desk for visitors.
  - c. A copy of the most current or updated list will be posted on units and the patient's library for Individuals to access.
  - d. It is the Program's responsibility to ensure that all units have the most current lists.
5. Package Pick–Up:
  - a. Incoming packages will be distributed to the Individual according to procedures established by the PSPC.
  - b. These procedures will be posted on the units, library and at the PSPC.
6. Searching of Packages:
  - a. The PSPC Staff will be responsible for opening packages; searching contents, inventorying, and if necessary disposing of unauthorized package contents. Approved Vendor Packagings are subject to random searches.
  - b. All items received from sources other than an Approved Vendor (e.g. guardian, family, friends or loved ones) will be opened, contents searched and placed in packaging approved by the hospital.
  - c. Package contents will be placed in paper bags for transport to the units by the Individual or staff. An inventory sheet will be included with the contents and a copy will be sent to the unit through the inter–hospital mail.
7. Package and Property Waiver Forms:
  - a. Individuals will be present when packages addressed to them are opened unless they have a signed waiver on file.
  - b. The waiver allows the package to be inventoried without the Individual's presence.
    - i. There will be at all times; a patient representative present to observe the process.
    - ii. Waivers will remain in effect from the date signed until the Individual is discharged, transferred to another facility or withdraws the waiver.
  - c. Individuals may withdraw their waiver at any time by signing the Cancel Waiver form and submitting it to the PSPC.
  - d. As packages intended for Individuals with waiver forms on file can be handled in a much more expeditious manner and do not require the Individual's presence, such packages may be handled earlier than those addressed to Individuals without waiver forms on file.
- H. Approved Vendor Purchases:
  1. The Hospital has established a list of approved mail–order businesses, individuals and organizations referred to as approved vendors. Items can only be ordered from those listed as approved vendors.

2. This listing is intended to enhance compliance with contraband policies, eliminate returns of unacceptable purchases, and expedite the package-screening process.
3. Certain items must be purchased and received from approved vendors only. Not all items offered by an approved vendor are permitted and Individuals are advised to refer to the Acceptable Incoming Items List (Allowables List) and Contraband List for specifics.
4. Individuals may submit requests for the addition of new vendors to the contraband committee during the month of July via the Contraband Committee.
5. Mail Services will notify Individuals upon receipt/return of refused package via the "Notification of Refused Package Card". No information will be given out over the telephone to anyone; an Individual, their guardian, family, friends, or loved ones and/or CSH staff. Information regarding returned/refused packages will only be issued to the level of Program Manager by designated staff.
6. Upon delivery of Individuals' packages to PSPC any Contraband that is discovered will be documented and handled in accordance with A.D. No. 818 and/or A.D. No. 626. Certain approved vendor packaging are subject to random opening and search.
7. Approved Vendor purchases ordered by the Individual and received through the Mail Services that are then refused by the Individual at the time of issuance by the PSPC will require the Individual to pay for return shipping costs.
8. Disposition and return of unopened packages to the Mail Services must be made within three (3) days of the date of package receipt to avoid additional return to sender shipping costs.
  - I. Incoming Admission Property:
    1. For the purpose of this directive, admission property is not considered to be a "package".
    6. If the Individual has insufficient funds or refuses to mail the package, the transaction will be cancelled. The unit will be called and the Individual will return to his unit with the package. Unit staff will open the package and give the Individual back his property. Unless the property is contraband, in which case it will be held in a secure area of the unit and the Individual will decide on the disposition of the contraband items in the prescribed manner. The copy of the property slip will go into the Individual's property envelop

and his property will be checked off as returned on the master list.

7. Packages may not exceed thirty (30) pounds.
8. The Mail Services staff will receive the Individual packages for delivery to the United States Post Office.

/s/

**NORMANT. KRAMER**  
(Acting) Executive Director

Cross Reference(s):

A.D. No. 608 Individuals' Access to Courts  
A.D. No. 626 Individuals' Property and Storage  
A.D. No. 644 Trust Office Functions  
A.D. No. 651 Processing of Departmental and United States Postal Services Mail  
AD.No. 818 Contraband

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-0826-03

**AIR RESOURCES BOARD**

Section 100 — In-Use Off-Road Diesel Regulation

This change without regulatory effect corrects an erroneous section number reference.

Title 13

California Code of Regulations

AMEND: 2449

Filed 09/08/2008

Agency Contact: Amy Whiting (916) 322-6533

File# 2008-0724-02

**BOARD OF PAROLE HEARINGS**

Delays of Life Parole Consideration Hearings

This rulemaking amends rules for making requests for postponements, continuances, voluntary hearing waivers, and stipulations to the unsuitability of inmates for parole in the conduct of life parole consideration hearings by the Board of Parole Hearings. The rule-making establishes the rights and responsibilities of the

hearing panel and the parties to these proceedings in relation to these procedural requests.

Title 15  
California Code of Regulations  
AMEND: 2253  
Filed 09/03/2008  
Effective 11/01/2008  
Agency Contact: Elizabeth Geiger (916) 324-6434

File# 2008-0728-01  
**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD**  
At-Store Recycling Program Recordkeeping and Reporting

This is the certificate of compliance for the prior emergency regulatory actions (OAL file nos. 2008-0418-02EE, 2008-0117-01EE and 2007-0718-04E) that established definitions and the requirements for certain store operators to follow when providing bins to collect used plastic carryout bags returned by customers and recycling these bags. These regulations also specify the recordkeeping and reporting requirements for the collection, transport, and recycling of plastic carryout bags to ensure statewide consistency in store operator records for the purposes of recycling of plastic bags. These regulations implement the At-Store Recycling Program Law that went into effect July 1, 2007.

Title 14  
California Code of Regulations  
ADOPT: 17987, 17987.1, 17987.2, 17987.3,  
17987.4, 17987.5, 17987.6  
Filed 09/09/2008  
Agency Contact: Heather L. Hunt (916) 341-6756

File# 2008-0904-01  
**CALIFORNIA STATE UNIVERSITY**  
Admission to Post-Baccalaureate Standing: Unclassified

California State University is amending their admission criteria for post-baccalaureate standing. This matter is exempt from OAL review pursuant to Education Code section 89030.1.

Title 5  
California Code of Regulations  
AMEND: 41000  
Filed 09/10/2008  
Effective 09/10/2008  
Agency Contact:  
Cassandra M. Andrews (562) 951-4500

File# 2008-0729-03  
**DEPARTMENT OF CONSUMER AFFAIRS**  
Application for Dental Licensure by Residency

This Certificate of Compliance rulemaking makes permanent regulations which allow persons to become licensed dentists without passing the state-developed or state-recognized clinical examination otherwise required of license applicants, if they instead complete a clinically-based advanced education program in general dentistry or an advanced education program in general practice residency that is accredited by the American Dental Association or a national body approved by the Dental Board. The rulemaking makes permanent the regulations relating to the application fee for obtaining a dental license in this way and the application procedures, information, and forms required to apply for a license under this process.

Title 16  
California Code of Regulations  
ADOPT: 1028.2, 1028.3, 1028.4, 1028.5  
AMEND: 1021  
Filed 09/10/2008  
Agency Contact: Donna Kantner (916) 263-2300

File# 2008-0904-02  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
Asian Citrus Psyllid Interior Quarantine

This emergency action will establish a new interior quarantine in San Diego County restricting the movement of specified hosts, materials and possible carriers of live life stages of *Diaphorina citri*, also known as Asian Citrus Psyllid in order to prevent the spread of this destructive pest.

Title 3  
California Code of Regulations  
ADOPT: 3435  
Filed 09/05/2008  
Effective 09/05/2008  
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0905-04  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
Light Brown Apple Moth Interior Quarantine

This emergency action adds acreage to the lands under quarantine for the light brown apple moth in the Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara county quarantine area and the Solano county quarantine areas.

Title 3  
California Code of Regulations  
AMEND: 3434  
Filed 09/10/2008  
Effective 09/10/2008  
Agency Contact: Stephen Brown (916) 654-1017

File# 2008-0828-01  
DEPARTMENT OF PESTICIDE REGULATION  
Field Fumigant Emission Limits

This action will phase in the volatile organic compound emissions standard for field fumigation in Ventura County so that full implementation of the limit established in January, 2008, will not occur until 2012.

Title 3  
California Code of Regulations  
AMEND: 6452.2  
Filed 09/03/2008  
Effective 09/03/2008  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

File# 2008-0729-04  
EDUCATION AUDIT APPEALS PANEL  
Audits of K-12 LEAs — FY 2008-09

This regulatory action is to update the audit guide for California K-12 LEAs, as required by Education Code sections 14502.1 and 14503. The proposed amendments and additions for the 2008-2009 fiscal year are derived from content submitted to EAAP by the Controller as required by statute.

Title 5  
California Code of Regulations  
ADOPT: 19828.3, 19837.2 AMEND: 19816,  
19816.1, 19828.2, 19837.1, 19846  
Filed 09/09/2008  
Effective 09/09/2008  
Agency Contact: Carolyn Pirillo (916) 445-7745

File# 2008-0818-02  
FAIR POLITICAL PRACTICES COMMISSION  
Legal Defense Funds — Local Candidates and Officers

This regulatory action implements AB 1441 (Ch. 283 of 2007) which allows candidates or elected officers in a local government agency to establish "legal defense funds" to raise funds associated with attorney's fees and other legal costs arising from specified civil, criminal or administrative proceedings.

Title 2  
California Code of Regulations  
ADOPT: 18530.45  
Filed 09/04/2008  
Effective 10/04/2008  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2008-0818-03  
FAIR POLITICAL PRACTICES COMMISSION  
No Value Rule — Nonprofit/Campaign Fundraiser

This regulatory action revises the method of valuation (for purposes of gift reporting requirements) applied to tickets to nonprofit fundraisers, 501(c)(3) organization fundraisers and political fundraisers.

Title 2  
California Code of Regulations  
AMEND: 18946.4  
Filed 09/04/2008  
Effective 10/04/2008  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2008-0724-01  
FISH AND GAME COMMISSION  
Plants — Remove from Endangered and Rare Species Status

This regulatory action delists three plants from the list of rare plants: Marin bent grass, slender-pod jewel-flower and Hanging Gardens manzanita. It also delists Truckee barberry from the list of endangered plants.

Title 14  
California Code of Regulations  
AMEND: 670.2  
Filed 09/04/2008  
Effective 10/04/2008  
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2008-0805-02  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Move within Title 17

This is a nonsubstantive action renumbering a section to make room for future regulations.

Title 17  
California Code of Regulations  
ADOPT: 98100 REPEAL: 96100  
Filed 09/05/2008  
Agency Contact: Fran Kammerer (916) 445-4693

File# 2008-0805-03  
OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT  
Section 100 — Reorganize Section

This is a nonsubstantive action reorganizing and renumbering sections and text for ease of use and organizational purposes.

Title 27  
California Code of Regulations  
AMEND: 25601  
Filed 09/05/2008  
Effective 09/05/2008  
Agency Contact: Fran Kammerer (916) 445-4693

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN APRIL 9, 2008 TO  
SEPTEMBER 10, 2008**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

04/24/08 AMEND: Appendix A

**Title 2**

09/04/08 ADOPT: 18530.45  
09/04/08 AMEND: 18946.4  
08/14/08 AMEND: 1859.2, 1859.121, 1859.122, 1859.127, 1859.129  
08/08/08 ADOPT: 21905.5 AMEND: 21903, 21905  
07/16/08 ADOPT: 18946.6  
07/10/08 AMEND: 1859.76, 1859.83, 1859.104.3  
07/10/08 AMEND: 1859.71  
07/08/08 AMEND: 2271  
06/26/08 AMEND: 554.2, 554.3  
06/17/08 ADOPT: div. 8, ch. 112, sec. 59570  
06/11/08 AMEND: 18360, 18361  
06/11/08 ADOPT: 18421.7 AMEND: 18401  
06/11/08 ADOPT: 18944.2 REPEAL: 18944.2  
05/21/08 ADOPT: 59580  
05/14/08 ADOPT: 18413  
05/13/08 ADOPT: 59620  
05/06/08 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009  
04/30/08 AMEND: 1859.2, 1859.61, 1859.81, 1859.82, 1859.83, 1859.202, 1866, Form SAB 50-04 (Rev. 01/08)  
04/29/08 ADOPT: 1859.190, 1859.191, 1859.192, 1859.193, 1859.193.1, 1859.194, 1859.195, 1859.196, 1859.197, 1859.198, 1859.199 AMEND: 1859.2, 1859.51, 1859.81, Form SAB 50-04 (Revised 01/08), Form SAB 50-05

(Revised 01/08), Form SAB 50-10 (Revised 01/08)

04/24/08 ADOPT: 1183.081, 1183.131, 1183.30, 1183.31, 1183.32 AMEND: 1181.1, 1181.2, 1181.3, 1183, 1183.01, 1183.04, 1183.08, 1183.11, 1183.13, 1183.14, 1183.3, 1188.3

04/10/08 AMEND: 1866, 1866.4.3, 1866.13, Form SAB 40-22 (Rev. 10/07)

04/09/08 AMEND: 18997

**Title 3**

09/10/08 AMEND: 3434  
09/05/08 ADOPT: 3435  
09/03/08 AMEND: 6452.2  
09/02/08 AMEND: 3433(b)  
09/02/08 AMEND: 3591.6(a)  
08/26/08 AMEND: 3434(b)  
08/25/08 AMEND: 3423(b)  
08/18/08 AMEND: 6738, 6739  
08/18/08 AMEND: 3434(b)  
08/13/08 AMEND: 3434(b)  
08/12/08 AMEND: 3406(b)  
08/11/08 AMEND: 3406(b)  
08/01/08 AMEND: 3589(a)  
08/01/08 ADOPT: 3591.22  
07/28/08 AMEND: 3434(b)  
07/25/08 AMEND: 902.9  
07/24/08 ADOPT: 3591.21  
07/22/08 AMEND: 3417(b)  
07/16/08 AMEND: 3700  
07/16/08 AMEND: 3406  
07/14/08 AMEND: 3963  
07/11/08 AMEND: 3434(b)  
07/09/08 AMEND: 3434(b)  
06/30/08 AMEND: 3589(a)  
06/24/08 AMEND: 3963  
06/24/08 AMEND: 3060.3  
06/23/08 AMEND: 3591.5(a)  
06/17/08 AMEND: 2751  
06/16/08 AMEND: 3434(b)  
06/11/08 AMEND: 3434(b)  
06/09/08 AMEND: 3700  
06/04/08 AMEND: 3434(b)  
05/23/08 AMEND: 3434(b)  
05/23/08 AMEND: 1438.7, 1438.17  
05/07/08 AMEND: 3434(b)  
05/05/08 AMEND: 3406(b)  
05/02/08 AMEND: 3417(b)  
05/02/08 AMEND: 3434  
04/30/08 AMEND: 3591.20  
04/23/08 AMEND: 6550  
04/21/08 AMEND: 3700  
04/18/08 AMEND: 3434(b)  
04/16/08 AMEND: 3434(b) & (c)

04/15/08	AMEND: 3433(b)	06/13/08	ADOPT: 55185, 57017 AMEND: 55180, 57001.7, 58003.4, 58770, 58771, 58774
<b>Title 4</b>		06/10/08	AMEND: 30910, 30911, 30912, 30913, 30914, 30916
09/02/08	AMEND: 1850	06/10/08	AMEND: 30920, 30921, 30922, 30923, 30924, 30925, 30927
08/25/08	ADOPT: 8102, 8102.1, 8102.2, 8102.3, 8102.4, 8102.5, 8102.6, 8102.7, 8102.8, 8102.9, 8102.10, 8102.11, 8102.12, 8102.13, 8102.14, 8102.15 AMEND: 8090, 8091, 8092, 8093, 8094, 8095, 8096, 8097, 8098, 8099, 8100, 8101	06/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846
08/21/08	ADOPT: 1634 AMEND: 1420	05/28/08	ADOPT: 18085.5, 18086.1 AMEND: 18086, 18087, 18088, 18091, 18101, 18102, 18104
08/12/08	ADOPT: 4180, 4181	05/21/08	ADOPT: 6105 AMEND: 6100, 6104
08/08/08	AMEND: 12002, 12100, 12101, 12120, 12122, 12128, 12130, 12140, 12200, 12200.3, 12200.7, 12200.9, 12200.10A, 12200.10B, 12200.10C, 12200.11, 12200.13, 12200.14, 12200.16, 12200.17, 12200.18, 12200.20, 12200.21, 12201, 12202, 12203, 12203A, 12203.1, 12203.2, 12203.3, 12203.5, 12204, 12205, 12205.1, 12218, 12218.1, 12218.5, 12218.7, 12218.11, 12220, 12220.3, 12220.13, 12220.14, 12220.16, 12220.18, 12220.20, 12220.20A, 12220.21, 12220.23, 12221, 12222, 12223, 12224, 12225, 12225.1, 12233, 12234, 12235, 12236, 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12308, 12309, 12310, 12335, 12341, 12342, 12343, 12344, 12345, 12347, 12358, 12359, 12360, 12370, 12400, 12401, 12402, 12403, 12404, 12405, 12460, 12463, 12464, 12466, 12550, 12552, 12554, 12556, 12558, 12560, 12562, 12564, 12566, 12568, 12590	05/13/08	AMEND: 15440, 15441, 15442, 15443, 15444, 15445, 15446, 15447, 15448, 15449, 15450, 15451, 15452, 15453, 15454, 15455, 15456, 15457, 15458, 15459, 15460, 15461, 15462, 15463, 15464, 15467, 15468, 15469, 15471, 15471.1, 15471.2, 15472, 15473, 15474, 15475, 15476, 15477, 15478, 15479, 15479.5, 15480, 15481, 15483, 15484, 15485, 15486, 15487, 15488, 15489, 15490, 15493
08/04/08	AMEND: 1843.2	05/05/08	ADOPT: 11315.5 and 11315.6 AMEND: 11315
07/14/08	AMEND: 8070, 8072, 8073	05/01/08	AMEND: 80440, 80443
07/10/08	AMEND: 1481, 1783, 1784	04/21/08	ADOPT: 18134
06/24/08	ADOPT: 12335, 12340, 12357 AMEND: 12342, 12343, 12344, 12345, 12358, 12359	04/21/08	ADOPT: 18134
05/23/08	ADOPT: 1843.3 AMEND: 1843.2	<b>Title 7</b>	
05/01/08	AMEND: 1844	06/10/08	ADOPT: 236.1
<b>Title 5</b>		<b>Title 8</b>	
09/10/08	AMEND: 41000	08/26/08	AMEND: 5168, 6775
09/09/08	ADOPT: 19828.3, 19837.2 AMEND: 19816, 19816.1, 19828.2, 19837.1, 19846	08/25/08	ADOPT: 9721.11, 9721.12, 9721.13, 9721.14, 9721.21, 9721.33 AMEND: 9720.1, 9720.2, 9721.1, 9721.2, 9721.31, 9721.32, 9722, 9722.1, 9722.2, 9723
08/11/08	AMEND: 41000	08/08/08	AMEND: 1532.1
08/04/08	ADOPT: 15575, 15576, 15577, 15578	08/04/08	AMEND: 3649
07/16/08	AMEND: 18272	08/04/08	AMEND: Appendix C following section 560, Appendices A, B, and C following section 1938, and section 5001
06/24/08	AMEND: 80021	07/30/08	AMEND: 1524
06/19/08	AMEND: 4600(l)	07/18/08	AMEND: 290.0, 290.1, 291.0, 291.1, 291.2, 291.5, 292.0, 294.0, 295.0, 296.0, 296.1, 296.2, 296.3, 296.4
		07/18/08	AMEND: 2500.7
		07/17/08	AMEND: 4885, 4924, 5004
		07/17/08	AMEND: 1604.24, 1604.26
		07/14/08	AMEND: Appendix B following 1541.1
		06/30/08	ADOPT: 4300.1 AMEND: 4297, 4300
		06/06/08	AMEND: 1710(k)(2)
		05/19/08	AMEND: 1529, 5208, 8358

05/19/08	AMEND: 1710	04/11/08	AMEND: 7016(c)
05/19/08	AMEND: 797, 1604.10, 1601.21, 1662	<b>Title 9</b>	
05/05/08	ADOPT: 2340.2, 2340.5, 2340.8, 2340.10, 2340.12, 2340.14; Article 6, Sections 2360.1 through 2360.5; Sections 2375.7, 2375.25, 2380.1, 2390.10, 2390.20, Article 12, Sections 2400.1, 2400.2; Sections 2418.2, 2418.3, 2418.4, 2418.5, 2418.6, 2420.4, 2420.5, 2420.6, 2420.7, 2473.1, 2473.2, 2480.5, 2480.9, 2484.5, 2484.6; Article 48.1, Sections 2485.1, 2485.2; Sections 2505.2, 2510.8, 2522.20, 2530.120, 2530.121; Article 58.1, Section 2535.1; Sections 2540.11, 2540.11 Figure S-1, 2560.3; Article 74.1, Sections 2562.1 through 2562.7; Article 77.1, Sections 2566.1 through 2566.3; Article 77.2, Sections 2567.1 through 2567.3; Sections 2569.5, 2571.9, 2571.30; Article 83, Sections 2583.1 through 2583.8; Article 84, Sections 2584.1 through 2584.8; Article 85, Sections 2585.1 through 2585.3; Article 86, Sections 2586.1 through 2586.4; Article 87, Sections 2587.1 through 2587.5; Article 88, Sections 2588.1 through 2588.3; Article 89, Sections 2589.1 and 2589.2. AMEND: 2300, 2305.2, 2305.4, 2340.9, 2340.11, 2340.13, 2340.16, Table 2340.16, 2340.17, 2340.18, 2340.21, 2340.22; Article 5, Section 2350.2; Sections 2375.1, 2375.18, Table 2375.18, Sections 2375.19, 2390.1, 2390.24, 2390.41, 2390.81, 2395.3, 2395.5, 2395.6, 2395.23, 2395.25, 2395.32, 2395.42, 2395.44, 2395.45, 2395.57, 2395.58, 2405.1, 2405.2; Article 16, Sections 2420.3; Article 45; Sections 2480.6, 2480.7, 2484.24, 2500.7, 2500.8, 2500.9, 2500.10, 2500.11, 2500.23, 2505.10, 2505.11, 2510.4, 2510.5, 2510.6, 2510.7, 2510.56, 2510.58, 2522.2, 2530.4, 2530.102, 2530.103, 2530.104, 2530.107, 2530.112, 2533.1, 2534.6, 2534.8, 2540.1, 2540.2, 2540.3, 2540.4, 2560.2, 2561.1, 2561.3, 2561.31, 2561.32, 2563.23, 2563.33; Article 77, Section 2565.3; Sections 2568.8, 2568.15, 2569.1, 2569.6, 2569.7, 2569.20, 2569.51; Article 80, Sections 2571.1 and 2571.16. REPEAL: 2340.23, 2350.11, 2390.83, 2395.7, 2395.33, 2395.43, 2395.50, 2480.8, 2522.8 and 2561.50.	07/11/08	ADOPT: 1810.207.5, 1810.220.5 AMEND: 1830.220
		07/02/08	AMEND: 9515(d), 10522(b)
		<b>Title 10</b>	
		08/15/08	ADOPT: 2844 AMEND: 2840, 2842
		08/14/08	AMEND: 2699.100, 2699.201, 2699.205, 2699.207, 2699.209, 2699.400
		08/04/08	AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
		07/30/08	AMEND: 2498.6
		07/24/08	AMEND: 2498.4.9
		07/23/08	AMEND: 2498.4.9
		07/23/08	AMEND: 2498.4.9
		07/21/08	ADOPT: 2330.1, 2330.3, 2330.4, 2330.5
		07/17/08	AMEND: 2498.6
		07/10/08	REPEAL: 2191
		07/10/08	AMEND: 2699.6611
		07/07/08	ADOPT: 2699.6602, 2699.6604 AMEND: 2699.6603, 2699.6605, 2699.6607, 2699.6608, 2699.6611, 2699.6625
		06/24/08	ADOPT: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5 AMEND: 2536.2
		06/16/08	AMEND: 2318.6, 2353.1
		06/02/08	ADOPT: 10.190202
		05/27/08	AMEND: 2249.2-2249.9, 2249.12, 2249.15
		05/16/08	ADOPT: 2642.8, 2644.28 AMEND: 2642.6, 2642.7, 2644.2, 2644.3, 2644.6, 2644.7, 2644.8, 2644.12, 2644.16, 2644.17, 2644.19, 2644.20, 2644.21, 2644.23, 2644.25, 2644.27
		04/30/08	AMEND: 2697.6, 2697.61
		04/29/08	ADOPT: 10.19900, 10.19901
		04/28/08	AMEND: 310.111
		<b>Title 11</b>	
		07/08/08	ADOPT: 30.14
		06/17/08	AMEND: 1005, 1007, 1008, 1080
		05/28/08	AMEND: 2000, 2001, 2010, 2020, 2030, 2037, 2038, 2050, 2051, 2052, 2053, 2060, 2070, 2071, 2072, 2140
		04/14/08	AMEND: 1081
		<b>Title 13</b>	
		09/08/08	AMEND: 2449
		08/29/08	ADOPT: 2660(a)(0.5), 2260(a)(0.7), 2260(a)(6.9), 2260(a)(7.5), 2260(a)(8.5), 2260(a)(10.5), 2260(a)(10.7), 2260(a)(19.7), 2260(a)(19.8), 2260(a)(23.5), 2260(a)(23.7), 2260(a)(37), 2260(a)(38), 2260(a)(39), 2262.3(d), 2264.2(a)(3), 2264.2(b)(5),

	2264.2(d), 2265(c)(4), 2265.1, 2265.5, 2266(b)(3), 2266(b)(4), 2266(b)(5)		28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58
	AMEND: 2261, 2262, 2262.3, 2262.4, 2262.5, 2262.9, 2263, 2263.7, 2264.2, 2265, 2266, 2266.5, 2270, 2271, 2273	05/02/08	AMEND: 825.05
08/13/08	ADOPT: 619.2 AMEND: 615, 615.1, 616, 617, 618, 619, 619.1	04/28/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5
07/15/08	AMEND: 440.04	04/28/08	AMEND: 815.05
06/16/08	ADOPT: 156.01	04/25/08	AMEND: 17210.2, 17210.4, 17855.2, 17862, 17867
06/16/08	AMEND: 1961, 1965	<b>Title 15</b>	
06/10/08	AMEND: 2222	09/03/08	AMEND: 2253
06/02/08	AMEND: 1141	08/29/08	AMEND: 3000, 3261.1, 3261.2, 3261.4, 3261.5, 3261.7, 3267
05/16/08	ADOPT: 2449, 2449.1, 2449.2, 2449.3	08/04/08	AMEND: 2041
05/01/08	AMEND: 1	08/04/08	AMEND: 3000, 3005, 3006, 3008, 3009, 3011, 3012, 3013, 3015, 3016, 3290, 3310, 3313, 3314, 3315, 3317, 3318, 3320, 3323, 3327, 3328
04/28/08	AMEND: 120.00, 120.01, 120.02, 124.93, 124.95 REPEAL: 120.04	07/30/08	ADOPT: 3503, 3505, 3506, 3507, 3508, 3509, 3510, 3511, new Article 2 and title, 3520, 3521, 3521.1, 3521.2, 3521.3, 3521.4, 3521.5, 3521.6, 3522, 3523, 3524, 3525, 3526, 3527, new Article 3 and title, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, new Article 4 and title, 3560, 3561, 3562, 3563, 3564, new Article 5 and title, 3570, 3571, new Article 6 and title, 3580, 3581, 3582, new Article 7 and title, new Article 8 and title, new Article 9 and title, new Article 10 and title, new Article 12 and title, 3640, new Article 13 and title, 3650, 3651, 3652, 3652.1, 3653, 3654, new Article 14 and title, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, new Article 15 and title, 3720, 3721, 3721.1, 3722, 3723, new Article 16 untitled, 3730, new Article 17 and title, new Article 18 and title, 3750, 3751, 3752, 3753, 3754, 3755, 3756, new Article 19 and title, 3760, 3761, 3762, 3763, 3764, 3765, 3766, new Article 20 and title, 3770, 3771, and 3772. AMEND: 3604, 3605, 3605.5, 3701.1, 3705, 3706, 3801, 3802, renumber old Article 2 with title, and 3815.
04/10/08	AMEND: 1202.1, 1202.2, 1232	07/17/08	ADOPT: 3134.1 AMEND: 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147
<b>Title 13, 17</b>		07/14/08	ADOPT: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.5, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1756, 1757, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
07/02/08	AMEND: 2299.1, 93118		
<b>Title 14</b>			
09/09/08	ADOPT: 17987, 17987.1, 17987.2, 17987.3, 17987.4, 17987.5, 17987.6		
09/04/08	AMEND: 670.2		
08/27/08	AMEND: 300		
08/25/08	ADOPT: 27.32 AMEND: 27.20(f), 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51, 28.52, 28.53, 28.54, 28.55, 28.56, 28.57, 28.58		
08/18/08	AMEND: 749.3		
08/14/08	ADOPT: 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965		
08/12/08	ADOPT: 124		
08/11/08	AMEND: 503		
08/06/08	AMEND: 815.05, 818.02, 825.05, 827.02		
07/28/08	AMEND: 702		
07/23/08	AMEND: 7.50		
07/15/08	ADOPT: 4860		
07/08/08	ADOPT: 124.1 AMEND: 122, 125, 149.1, 150, 150.02, 150.03, 150.05, 163, 163.5, 164, 174, 180.3		
07/02/08	AMEND: 7.50		
07/01/08	AMEND: 27.80		
06/30/08	AMEND: 120.7		
06/23/08	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34		
06/20/08	AMEND: 360, 361, 362, 363, 364, 551, 708, 712		
06/18/08	ADOPT: 355		
06/16/08	AMEND: 10602, 10800		
05/15/08	AMEND: 353, 475		
05/09/08	AMEND: 27.20, 27.25, 27.30, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.51,		

07/08/08 ADOPT: 3334 AMEND: 3000  
 06/23/08 ADOPT: 2275  
 06/04/08 AMEND: 3190, 3191  
 05/23/08 ADOPT: 1417 AMEND: 1029, 1206,  
 1248, 1357, 1358, 1461  
 04/18/08 AMEND: 3291, 3293

**Title 16**

09/10/08 ADOPT: 1028.2, 1028.3, 1028.4, 1028.5  
 AMEND: 1021  
 08/27/08 AMEND: 2250 REPEAL: 2274, 2277  
 08/25/08 AMEND: 1399.480, 1399.481,  
 1399.482, 1399.483, 1399.484,  
 1399.485, 1399.486, 1399.487,  
 1399.488, 1399.489, 1399.489.1  
 08/15/08 AMEND: 1361  
 08/13/08 AMEND: 3394.6  
 08/12/08 AMEND: 3394.4  
 08/07/08 AMEND: 4161  
 07/30/08 AMEND: 2649  
 07/23/08 AMEND: 1399.152.2, 1399.153,  
 1399.153.3  
 07/18/08 AMEND: 134 REPEAL: 135  
 07/09/08 ADOPT: 1984  
 07/08/08 AMEND: 1399.540  
 07/03/08 AMEND: 1568  
 07/02/08 AMEND: 390, 390.1, 390.3, 390.4,  
 390.5, 390.6 REPEAL: 390.2  
 06/30/08 ADOPT: 119.7  
 06/26/08 AMEND: 109, 116  
 06/17/08 ADOPT: 4580  
 06/16/08 ADOPT: 4400, 4402, 4404, 4406, 4420,  
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 4522, 4540, 4542, 4560, 4562  
 06/11/08 REPEAL: 1399.664  
 06/04/08 AMEND: 931  
 05/21/08 AMEND: 4141  
 05/20/08 AMEND: 905  
 05/19/08 ADOPT: 4440, 4442, 4443, 4444, 4446,  
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 05/16/08 AMEND: 1399.696, 1399.697  
 05/12/08 AMEND: 1399.523  
 05/08/08 REPEAL: 3300  
 05/07/08 ADOPT: 1364.32 AMEND: 1364.30  
 05/02/08 AMEND: 1079.2  
 04/29/08 AMEND: 1970, 1970.4(a), 1973(b)  
 04/24/08 AMEND: 1387.3  
 04/24/08 AMEND: 3000  
 04/17/08 AMEND: 1399.660  
 04/16/08 ADOPT: 973, 973.1, 973.2, 973.3, 973.4,  
 973.5, 973.6  
 04/14/08 AMEND: 1380.1  
 04/10/08 AMEND: 4123

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09/05/08 ADOPT: 98100 REPEAL: 96100  
 08/06/08 AMEND: 94006  
 07/14/08 AMEND: 57310, 57332  
 07/14/08 ADOPT: 100120  
 07/08/08 AMEND: 95005  
 07/02/08 AMEND: 2299.1, 93118  
 06/12/08 ADOPT: 94016, 94168 AMEND: 94010,  
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 05/30/08 AMEND: 100080, 100085, 100090,  
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 04/30/08 ADOPT: 35004, 35005.1, 35031, 35088,  
 36050 AMEND: 35001, 35002, 35003,  
 35005, 35006, 35007, 35008, 35009,  
 35010, 35012, 35013, 35014, 35015,  
 35016, 35018, 35019, 35020, 35021,  
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 04/21/08 AMEND: 54355  
 04/21/08 AMEND: 93115.4, 93115.6, 93115.10  
 04/18/08 ADOPT: 93120, 93120.1, 93120.2,  
 93120.3, 93120.4, 93120.5, 93120.6,  
 93120.7, 93120.8, 93120.9, 93120.10,  
 93120.11, 93120.12  
 04/11/08 ADOPT: 30333.05, 30333.07, 30333.3,  
 30335.1, 30335.2, 30335.3, 30335.4,  
 30335.5, 30335.6, 30335.10, 30336.1,  
 30336.5, 30336.6, 30336.7, 30336.8,  
 30338 AMEND: 30195.3, 30295, 30330,  
 30331, 30332, 30332.1, 30332.2,  
 30332.3, 30332.4, 30332.5, 30332.6,  
 30332.7, 30332.8, 30333, 30333.1,  
 30333.2, 30334, 30336, 30337 REPEAL:  
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08/11/08 AMEND: 1807, 1828  
 08/05/08 AMEND: 3000  
 07/16/08 AMEND: 5216, 5310, 5311, 5326.4,  
 5326.6, 5333, 5333.4, 5333.6, 5523.4  
 06/23/08 AMEND: 19503  
 06/10/08 ADOPT: 2558, 2559, 2559.1, 2559.3,  
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 06/04/08 AMEND: 23038(b)-2, 23038(b)-3

04/29/08 AMEND: 25137(c)(1)(D)  
 04/23/08 AMEND: 1620  
 04/10/08 AMEND: 1570

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08/07/08 ADOPT: 1980.00, 1980.01, 1980.02, 1980.03, 1980.04, 1980.05, 1980.06, 1980.07, 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.09, 1990.10, 1990.11, 1990.12, 1990.13  
 06/06/08 AMEND: 200, 203, 204, 206, 207, 208, 209, 211, 212, 214, 215, 216, 217  
 04/23/08 ADOPT: 2660 AMEND: 2720, 2723, 2724, 2725, 2726, 2728

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05/20/08 AMEND: 2323(a), 2323(b), 2323(c), 2323(d), 2323(e), 2323(f), 2325(a), 2329(c), 2329(e), 2330(a), 2332(d), 2333(a), 2335(b)  
 04/15/08 ADOPT: 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, Appendix A

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06/30/08 ADOPT: 111, 112, 113, 114, 121, 131, 132, 133, 134, 135, 136, 141, 151, 152, 153

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08/07/08 AMEND: 51098.5, 51202.5, 51309.5, 51503.3  
 06/26/08 AMEND: 100140, 100141, 100163, 100172, 100174  
 06/23/08 AMEND: 12805  
 06/17/08 ADOPT: 25000, 25102, 25103, 25104, 25201, 25203, 25204, 25301, 25302, 25303, 25304, 25305, 25306, 25401, 25403, 25405, 25501, 25502, 25503, 25504, 25505, 25601, 25701, 25703, 25705, 25707, 25709, 25711, 25713, 25721, 25801, 25803, 25805, 25821, 25900, 25901, 25902, 25903, 27000, 28001, 28002, 28003, 28004, 28006, 28007, 28008, 28009, 28010, 28011, 28012, 28013, 28014, 28015, 28016, 28017, 28018, 28019, 28020, 28021, 28022, 28023, 28024, 28025, 28026, 28027, 28028, 28029, 28030, 28031, 28032, 28033, 28034, 28035, 25036, 28037, 28038, 28039, 28040 REPEAL: 12000, 12102, 12103, 12104, 12201, 12203, 12204, 12301, 12302, 12303, 12304, 12305, 12306, 12401, 12403, 12405, 12501, 12502, 12503, 12504, 12505, 12601, 12701, 12703, 12705,

12707, 12709, 12711, 12713, 12721, 12801, 12803, 12805, 12821, 12900, 12901, 12902, 12903, 14000, 15001, 15002, 15003, 15004, 15006, 15007, 15008, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15016, 15017, 15018, 15019, 15020, 15021, 15022, 15023, 15024, 15025, 15026, 15027, 15028, 15029, 15030, 15031, 15032, 15033, 15034, 15035, 15036, 15037, 15038, 15039, 15040

05/08/08 ADOPT: 66260.201 AMEND: 66260.10, 66261.9, 66273.1, 66273.3, 66273.6, 66273.8, 66273.9, 66273.12, 66273.13, 66273.14, 66273.20, 66273.32, 66273.33, 66273.34, 66273.40, 66273.51, 66273.53, 66273.56, 66273.82, 66273.83, 66273.90, Appendix X to Chapter 11

05/06/08 ADOPT: 72038, 72077.1, 72329.1 AMEND: 72077, 72329

04/18/08 AMEND: 4410 REPEAL: 4410.5

04/15/08 AMEND: 50960.2, 50960.4, 50960.6, 50960.9, 50960.12, 50960.15, 50960.21, 50960.23, 50960.26, 50960.29, 50960.32, 50960.34, 50960.36, 50962, 50963, 50964, 50965, 50966

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07/09/08 ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405

07/09/08 ADOPT: 88054, 89318 AMEND: 80017, 83017, 83064, 83075, 84065, 84068.2, 84090, 84165, 84265, 86065, 86068.2, 86517, 88001, 88022, 88031, 88065.3, 88068.2, 88069.7, 89317, 89378, 89405

06/30/08 AMEND: 63-300, 63-504, 63-505, 63-601

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07/07/08 AMEND: Title 22, 67450.11; Title 27, Div. 3, subd. 1, Chapter 4C. and Chapter 6

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07/01/08 AMEND: 3935

06/27/08 ADOPT: 3949.5

06/26/08 ADOPT: 2918

05/13/08 ADOPT: 3919.3

05/12/08 AMEND: 3947

05/12/08 AMEND: 3939.22

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08/29/08 ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216

07/14/08 AMEND: 2002, 4004, 5002, 5511

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09/05/08 AMEND: 25601  
 08/08/08 AMEND: 25705(b)  
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06/30/08 AMEND: 63-300, 63-504, 63-505,  
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 06/30/08 AMEND: 42-721, 42-780, 44-303,  
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 06/26/08 ADOPT: 40-037, 70-101, 70-102,  
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 06/04/08 AMEND: 63-301